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Senate File 446

H-1384

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 33, line 30, by striking <81,274,946> and
5 inserting <86,012,932>
6 2. Page 35, line 11, by striking <2,062,488> and
7 inserting <3,290,000>
8 3. Page 36, line 25, by striking <6,022,602> and
9 inserting <9,053,226>
10 4. Page 36, line 50, by striking <520,150> and
11 inserting <1,000,000>
12 5. Page 37, line 7, by striking <62,708> and
13 inserting <99,540>
14 6. Page 37, line 9, by striking <125,682> and
15 inserting <258,804>
16 7. Page 37, line 11, by striking <195,892> and
17 inserting <430,843>
18 8. Page 37, line 13, by striking <67,934> and
19 inserting <111,274>
20 9. Page 37, line 15, by striking <67,934> and
21 inserting <99,539>
22 10. By renumbering as necessary.

DAWSON of Woodbury

HALL of Woodbury

HEDDENS of Story

H1378.2043 (2) 85

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Iowa General Assembly
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Senate File 446

H-1385

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, line 28, by striking <not more than>
5 2. Page 83, line 29, by striking <not more than>

DAWSON of Woodbury

HALL of Woodbury

JORGENSEN of Woodbury



Iowa General Assembly
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Senate File 446

H-1386

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 47, by striking line 12 and inserting
5 <federal match shall be increased by 1.5 percent over
6 the rates in effect on>

WESSEL-KROESCHELL of Story



Iowa General Assembly
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Senate File 442

H-1387

1 Amend the amendment, H-1306, to Senate File 442, as
2 passed by the Senate, as follows:

3 1. Page 2, by striking lines 5 through 7 and
4 inserting:

5 <5. It is the intent of the general assembly that
6 the offices of the clerks of the district court operate
7 in all 99 counties and be accessible to the public as
8 much as is reasonably possible in order to address the
9 relative needs of the citizens of each county.>

10 2. Page 4, by striking lines 41 through 43 and
11 inserting:

12 <5. It is the intent of the general assembly that
13 the offices of the clerks of the district court operate
14 in all 99 counties and be accessible to the public as
15 much as is reasonably possible in order to address the
16 relative needs of the citizens of each county.>

WORTHAN of Buena Vista

H1306.2080 (1) 85

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jm/jp

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Senate Amendment to
House File 512

H-1388

1 Amend House File 512, as passed by the House, as
2 follows:
3 1. Page 1, line 3, after <3.> by inserting <a.>
4 2. Page 1, by striking line 8 and inserting
5 <abandoned as provided in section 459.201.>
6 3. Page 1, by striking line 9 and inserting:
7 <b. In calculating animal unit capacity for
8 purposes of an election to be considered a small>
9 4. Page 1, by striking line 13 and inserting <used
10 to do any of the following:
11 (1) House animals.
12 (2) Store manure.>
13 5. Page 1, by striking lines 29 through 31 and
14 inserting:
15 <a. The confinement feeding operation has a
16 capacity of five hundred or fewer animal units
17 which shall be calculated by determining all of the
18 following:
19 (1) The number of animal units housed at the
20 confinement feeding operation at any one time during
21 the period of election.
22 (2) The animal unit capacity of each confinement
23 feeding operation building that is used to store
24 manure during the period of the election. However,
25 this subparagraph does not apply if a confinement
26 feeding operation building stores manure pursuant
27 to a temporary approval issued by the department.
28 The department shall not issue a temporary approval
29 unless the manure is stored on an emergency basis
30 for a limited period. The department shall establish
31 terms and conditions for a temporary approval. The
32 department may issue one or more extensions to a
33 temporary approval if necessary.>
34 6. By renumbering, redesignating, and correcting
35 internal references as necessary.

HF512.2109.S (1) 85

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Senate File 446

H-1389

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 7, through page 2, line
5 23, and inserting:
6 <Sec. _____. DEPARTMENT ON AGING. There is
7 appropriated from the general fund of the state to
8 the department on aging for the fiscal year beginning
9 July 1, 2013, and ending June 30, 2014, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purposes designated:
12 For aging programs for the department on aging and
13 area agencies on aging to provide citizens of Iowa who
14 are 60 years of age and older with case management for
15 frail elders, Iowa's aging and disabilities resource
16 center, and other services which may include but are
17 not limited to adult day services, respite care, chore
18 services, information and assistance, and material aid,
19 for information and options counseling for persons with
20 disabilities who are 18 years of age or older, and
21 for salaries, support, administration, maintenance,
22 and miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:
24 \$ 12,791,025
25 FTEs 28.00
26 1. Funds appropriated in this section may be used
27 to supplement federal funds under federal regulations.
28 To receive funds appropriated in this section, a local
29 area agency on aging shall match the funds with moneys
30 from other sources according to rules adopted by the
31 department. Funds appropriated in this section may be
32 used for elderly services not specifically enumerated
33 in this section only if approved by an area agency on
34 aging for provision of the service within the area.
35 2. Of the funds appropriated in this section,
36 \$279,946 shall be transferred to the economic
37 development authority for the Iowa commission on
38 volunteer services to be used for the retired and
39 senior volunteer program.
40 3. a. The department on aging shall establish and
41 enforce procedures relating to expenditure of state and
42 federal funds by area agencies on aging that require
43 compliance with both state and federal laws, rules, and
44 regulations, including but not limited to all of the
45 following:
46 (1) Requiring that expenditures are incurred only
47 for goods or services received or performed prior to
48 the end of the fiscal period designated for use of the
49 funds.
50 (2) Prohibiting prepayment for goods or services

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1 not received or performed prior to the end of the
2 fiscal period designated for use of the funds.

3 (3) Prohibiting the prepayment for goods or
4 services not defined specifically by good or service,
5 time period, or recipient.

6 (4) Prohibiting the establishment of accounts from
7 which future goods or services which are not defined
8 specifically by good or service, time period, or
9 recipient, may be purchased.

10 b. The procedures shall provide that if any funds
11 are expended in a manner that is not in compliance with
12 the procedures and applicable federal and state laws,
13 rules, and regulations, and are subsequently subject
14 to repayment, the area agency on aging expending such
15 funds in contravention of such procedures, laws, rules
16 and regulations, not the state, shall be liable for
17 such repayment.

18 4. Of the funds appropriated in this section,
19 \$250,000 shall be used to fund services to meet the
20 unmet needs of older individuals as identified in the
21 annual compilation of unmet service units by the area
22 agencies on aging.

23 5. Of the funds appropriated in this section,
24 \$600,000 shall be used to fund home and community-based
25 services through the area agencies on aging that enable
26 older individuals to avoid more costly utilization of
27 residential or institutional services and remain in
28 their own homes.

29 6. Of the funds appropriated in this section,
30 \$2,210,646 shall be used to administer the office of
31 substitute decision maker established pursuant to
32 chapter 231E, on a statewide basis.

33 DIVISION
34 OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE — FY
35 2013-2014

36 Sec. ____ OFFICE OF LONG-TERM CARE RESIDENT'S
37 ADVOCATE. There is appropriated from the general fund
38 of the state to the office of long-term care resident's
39 advocate for the fiscal year beginning July 1, 2013,
40 and ending June 30, 2014, the following amount, or
41 so much thereof as is necessary, to be used for the
42 purposes designated:

43 For salaries, support, administration, maintenance,
44 and miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:
46 \$ 1,321,707
47 FTEs 16.00

48 1. Of the funds appropriated in this section,
49 \$500,000 shall be used to provide five additional local
50 long-term care resident's advocates to continue moving

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1 toward the national recommendation of one full-time
2 equivalent paid staff ombudsman per 2,000 long-term
3 care beds in the state.
4 2. Of the funds appropriated in this section,
5 \$210,000 shall be used to provide two local long-term
6 care resident's advocates to administer the certified
7 volunteer long-term care resident's advocate program
8 pursuant to section 231.45, including operational
9 certification and training costs.>
10 2. By renumbering as necessary.

HEDDENS of Story



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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Senate File 446

H-1390

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 21, line 48, by striking <1,126,161,962>
5 and inserting <1,144,841,886>
6 2. Page 27, after line 14 by inserting:
7 <19A. Of the funds appropriated in this section,
8 \$11,549,479 shall be used to implement reductions in
9 the waiting lists of all medical assistance home and
10 community-based services waivers.>
11 3. Page 47, line 21, after <rate> by inserting <,
12 increased by 3 percent>

HEDDENS of Story



Iowa General Assembly
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Senate File 446

H-1391

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 33, line 30, by striking <81,274,946> and
5 inserting <87,705,784>
6 2. Page 33, line 50, by striking <30,837,098> and
7 inserting <36,012,098>
8 3. Page 34, line 46, by striking <6,431,868> and
9 inserting <7,616,048>
10 4. Page 36, line 47, by striking <3,092,375> and
11 inserting <3,256,980>
12 5. By striking page 47, line 35, through page 48,
13 line 48, and inserting:
14 <_. a. For the fiscal year beginning July 1,
15 2013, notwithstanding section 234.38, the foster family
16 basic daily maintenance rate and the maximum adoption
17 subsidy rate for children ages 0 through 5 years shall
18 be \$16.78, the rate for children ages 6 through 11
19 years shall be \$17.45, the rate for children ages 12
20 through 15 years shall be \$19.10, and the rate for
21 children and young adults ages 16 and older shall
22 be \$19.35. For youth ages 18 to 21 who have exited
23 foster care, the maximum preparation for adult living
24 program maintenance rate shall be \$602.70 per month.
25 The maximum payment for adoption subsidy nonrecurring
26 expenses shall be limited to \$500 and the disallowance
27 of additional amounts for court costs and other related
28 legal expenses implemented pursuant to 2010 Iowa Acts,
29 chapter 1031, section 408 shall be continued.
30 b. (1) For the fiscal year beginning July 1,
31 2013, the reimbursement rates for child welfare
32 services providers shall be increased by 5 percent
33 over the rates in effect on June 30, 2013, and the
34 maximum reimbursement rate for group foster care
35 providers, including service and maintenance costs,
36 shall be rebased to be equal to the maximum rate
37 allowed for each service level as of June 30, 2013,
38 and the rebased rate shall be increased by 5 percent
39 or a percentage amount identified by the department
40 so that expenditures for group foster care remain
41 within the state expenditure target for group foster
42 care maintenance and services allocated under the
43 appropriation made in this division of this Act for
44 child and family services, whichever percentage amount
45 is lower.
46 (2) For purposes of this lettered paragraph, "child
47 welfare services providers" means the resource family
48 recruitment and retention contractors, the family
49 safety, risk, and permanency services (family-centered)
50 contractors, the child welfare emergency services

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1 contractors, and supervised apartment living foster
2 care providers. The reimbursement rates for child
3 welfare services providers and group foster care
4 providers in succeeding fiscal years, including base
5 rates and incentive payments, shall incorporate an
6 inflation factor. The inflation factor shall be equal
7 to the percentage amount by which the annual average
8 consumer price index for all urban consumers, United
9 States city average, issued by the United States
10 department of labor, bureau of labor statistics,
11 increased during the average of the three preceding
12 calendar years ending December 31.

13 c. For the fiscal year beginning July 1,
14 2013, the maximum reimbursement rates under the
15 supervised apartment living program other than foster
16 care-related, and for social services providers under
17 contract, shall be increased by 5 percent over the
18 rates in effect on June 30, 2013, or the provider's
19 actual and allowable cost plus inflation for each
20 service, whichever is less. However, if a new service
21 or service provider is added after June 30, 2013, the
22 initial reimbursement rate for the service or provider
23 shall be based upon a weighted average of provider
24 rates for similar services.

25 d. The group foster care reimbursement rates
26 paid for placement of children out of state shall
27 be calculated according to the same rate-setting
28 principles as those used for in-state providers,
29 unless the director of human services or the director's
30 designee determines that appropriate care cannot be
31 provided within the state. The payment of the daily
32 rate shall be based on the number of days in the
33 calendar month in which service is provided.

34 _____. a. For the fiscal year beginning July 1,
35 2013, the reimbursement rate paid for shelter care and
36 the child welfare emergency services implemented to
37 provide or prevent the need for shelter care shall be
38 established by contract.

39 b. For the fiscal year beginning July 1, 2013,
40 the combined service and maintenance components of
41 the reimbursement rate paid for shelter care services
42 shall be based on the financial and statistical report
43 submitted to the department. The maximum reimbursement
44 rate shall be \$96.98 per day. The department shall
45 reimburse a shelter care provider at the provider's
46 actual and allowable unit cost, plus inflation, not to
47 exceed the maximum reimbursement rate.

48 c. Notwithstanding section 232.141, subsection 8,
49 for the fiscal year beginning July 1, 2013, the amount
50 of the statewide average of the actual and allowable

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1 rates for reimbursement of juvenile shelter care homes
2 that is utilized for the limitation on recovery of
3 unpaid costs shall be increased by \$4.62 over the
4 amount in effect for this purpose in the preceding
5 fiscal year.>
6 6. By renumbering as necessary.

HEDDENS of Story



Iowa General Assembly
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Senate File 446

H-1392

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 8, line 16, by striking <4,685,154> and
5 inserting <4,841,134>

6 2. Page 10, by striking lines 21 through 29 and
7 inserting:

8 <h. (1) Of the funds appropriated in this
9 subsection, \$204,775 shall be used for continuation of
10 the work of the direct care worker advisory council
11 established pursuant to 2008 Iowa Acts, chapter 1188,
12 section 69, in implementing the recommendations in the
13 final report submitted by the advisory council to the
14 governor and the general assembly in March 2012.

15 (2) The advisory council, in collaboration with the
16 board of direct care professionals created in chapter
17 152F, if enacted in 2013 Iowa Acts, Senate File 232,
18 or 2013 successor legislation, shall do all of the
19 following:

20 (a) Develop and conduct necessary outreach and
21 education for individuals providing direct care
22 services, consumers, training providers including but
23 not limited to community college health occupation
24 and training centers, employers, and other interested
25 parties to provide information about and the process
26 for participation in direct care professional voluntary
27 certification.

28 (b) Determine data collection needs, collect data,
29 and track and analyze data to determine the effect of
30 certification on recruitment and retention, turnover
31 rates, the cost of turnover, consumer and employer
32 satisfaction, and public protection. The analysis of
33 the data collected shall also be used to inform changes
34 in the certification system to provide for continuous
35 improvement for direct care professionals, consumers
36 and employers, and the public.

37 i. (1) Of the funds appropriated in this
38 subsection, \$207,750 shall be used for allocation to an
39 independent statewide direct care worker association
40 under continuation of the contract in effect during the
41 fiscal year ending June 30, 2013, with terms determined
42 by the director of public health relating to education,
43 outreach, leadership development, mentoring, and other
44 initiatives intended to enhance the recruitment and
45 retention of direct care workers in health care and
46 long-term care settings.

47 (2) Of the funds appropriated in this subsection,
48 \$75,000 shall be used to provide scholarships or
49 other forms of subsidization for direct care worker
50 educational conferences, training, or outreach

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Iowa General Assembly
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1 activities.
2 (3) Of the funds appropriated in this subsection,
3 up to \$184,530 shall be used for the board of direct
4 care professionals created pursuant to chapter 152F,
5 if enacted in 2013 Iowa Acts, Senate File 232, or
6 2013 successor legislation. A portion of the amount
7 allocated in this subparagraph (3) may be used for up
8 to 4.25 full-time equivalent positions to administer
9 the board of direct care professionals.>
10 3. By renumbering as necessary.

HEDDENS of Story



Iowa General Assembly
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Senate File 446

H-1393

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 40, by striking <2,653,559> and
5 inserting <4,996,099>
6 2. Page 6, by striking lines 8 through 14 and
7 inserting:
8 <c. Of the funds appropriated in this subsection,
9 \$2,670,427 shall be used to expand statewide the
10 department's initiative to provide for adequate
11 developmental surveillance and screening during
12 a child's first five years. The expansion shall
13 include enhancing the scope of the program through
14 collaboration with the child health specialty clinics
15 to promote healthy child development through early
16 identification and response to both biomedical
17 and social determinants of healthy development; by
18 developing child health metrics to inform practice,
19 document long-term health impacts and savings, and
20 provide for continuous improvement through training,
21 education, and evaluation; and by providing for
22 practitioner consultation particularly for children
23 with behavioral conditions and needs. The department
24 of public health shall also collaborate with the Iowa
25 Medicaid enterprise and the child health specialty
26 clinics to integrate the activities of the first five
27 initiative into the establishment of patient-centered
28 medical homes, community utilities, accountable
29 care organizations, and other integrated care models
30 developed to improve health quality and population
31 health while reducing health care costs. To the
32 maximum extent possible, funding allocated in this
33 paragraph shall be utilized as matching funds for
34 medical assistance program reimbursement.>

HEDDENS of Story

STUTSMAN of Johnson

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Iowa General Assembly
Daily Bills, Amendments and Study Bills
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Senate File 446

H-1394

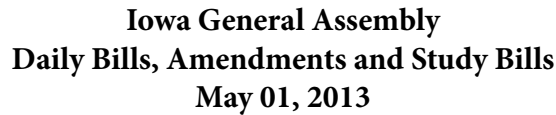
1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 57, after line 15 by inserting:
5 <MEDICAL ASSISTANCE — IOWACARE TRANSFER ALLOCATION
6 Sec. _____. 2011 Iowa Acts, chapter 129, section 122,
7 subsection 13, as amended by 2012 Iowa Acts, chapter
8 1133, section 10, is amended to read as follows:
9 13. Of the funds appropriated in this section, up
10 to ~~\$8,684,329~~ \$16,004,422 may be transferred to the
11 IowaCare account created in section 249J.24.>
12 2. Page 57, after line 35 by inserting:
13 <IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA
14 HOSPITALS AND CLINICS
15 Sec. _____. 2011 Iowa Acts, chapter 129, section 146,
16 subsection 1, paragraph c, as amended by 2012 Iowa
17 Acts, chapter 1133, section 40, is amended to read as
18 follows:
19 c. The university of Iowa hospitals and clinics
20 shall certify public expenditures in an amount equal to
21 provide the nonfederal share on total expenditures not
22 to exceed ~~\$32,000,000~~ \$26,000,000.
23 Sec. _____. 2011 Iowa Acts, chapter 129, section 146,
24 subsection 2, unnumbered paragraph 2, as amended by
25 2012 Iowa Acts, chapter 1133, section 41, is amended
26 to read as follows:
27 For salaries, support, maintenance, equipment, and
28 miscellaneous purposes, for the provision of medical
29 and surgical treatment of indigent patients, for
30 provision of services to members of the expansion
31 population pursuant to chapter 249J, and for medical
32 education:
33 \$ ~~45,654,133~~
34 52,569,199
35 Sec. _____. 2011 Iowa Acts, chapter 129, section 146,
36 subsection 3, is amended to read as follows:
37 3. There is appropriated from the IowaCare account
38 created in section 249J.24, to the state board
39 of regents for distribution to university of Iowa
40 physicians for the fiscal year beginning July 1, 2012,
41 and ending June 30, 2013, the following amount, or
42 so much thereof as is necessary to be used for the
43 purposes designated:
44 For salaries, support, maintenance, equipment, and
45 miscellaneous purposes for the provision of medical and
46 surgical treatment of indigent patients, for provision
47 of services to members of the expansion population
48 pursuant to chapter 249J, and for medical education:
49 \$ ~~16,277,753~~
50 19,806,365

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Senate File 446

H-1395

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 31, line 1, by striking <59,264,342> and
5 inserting <70,402,253>
6 2. Page 31, line 3, by striking <51,409,737> and
7 inserting <62,547,648>
8 3. Page 32, after line 33 by inserting:
9 <_____. The department shall change the standard
10 period for redetermining the eligibility of a state
11 child care assistance program participant to 12
12 months and increase the income eligibility for
13 employed families under the program to 148 percent
14 of the federal poverty level, in accordance with the
15 amendments in this Act to section 237A.13.>
16 4. Page 49, by striking lines 7 through 17 and
17 inserting:
18 <_____. For the fiscal year beginning July 1, 2013,
19 for child care providers reimbursed under the state
20 child care assistance program, the department shall
21 set provider reimbursement rates based on the rate
22 reimbursement survey completed in December 2006. The
23 department shall set rates in a manner so as to provide
24 incentives for a nonregistered provider to become
25 registered by applying the increase only to registered
26 and licensed providers.>
27 5. Page 66, after line 33 by inserting:
28 <Sec. _____. Section 237A.13, subsection 7, paragraph
29 c, Code 2013, is amended to read as follows:
30 c. Families with an income of more than one hundred
31 percent but not more than one hundred ~~forty-five~~
32 forty-eight percent of the federal poverty level whose
33 members are employed at least twenty-eight hours per
34 week.
35 Sec. _____. Section 237A.13, subsection 8, Code 2013,
36 is amended to read as follows:
37 8. Nothing in this section shall be construed as or
38 is intended as, or shall imply, a grant of entitlement
39 for services to persons who are eligible for
40 assistance due to an income level or other eligibility
41 circumstance addressed in this section. Any state
42 obligation to provide services pursuant to this section
43 is limited to the extent of the funds appropriated
44 for the purposes of state child care assistance. The
45 standard period for redetermining the eligibility of
46 a program participant is twelve months after the date
47 of the initial determination of eligibility and every
48 twelve months thereafter.>
49 6. By renumbering as necessary.

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MASCHER of Johnson



Iowa General Assembly
Daily Bills, Amendments and Study Bills
May 01, 2013

Senate File 446

H-1396

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 21, line 48, by striking <1,126,161,962>
5 and inserting <1,129,927,617>

6 2. Page 25, by striking lines 41 through 43.

7 3. Page 45, by striking lines 37 through 40 and
8 inserting:

9 <f. (1) For the fiscal year beginning July
10 1, 2013, rates for home health services shall be
11 reimbursed based on the Medicare low utilization
12 payment amount (LUPA) methodology with state geographic
13 wage adjustments. The Medicare LUPA per-visit rates in
14 effect on July 1, 2013, shall be utilized as the basis
15 for establishing the initial reimbursement schedule.
16 The department shall update the rates every two years
17 to reflect the most recent Medicare LUPA rates. For
18 the fiscal year beginning July 1, 2013, the department
19 shall adjust the reimbursement rate as calculated under
20 this paragraph to reflect the most recent Medicare
21 LUPA rates for home health services, not to exceed an
22 additional \$2,765,655.

23 (2) For the fiscal year beginning July 1, 2013,
24 rates for private duty nursing and personal care
25 services under the early and periodic screening,
26 diagnostic and treatment program benefit shall be
27 established based on an hourly interim rate subject
28 to cost settlement up to a limit calculated by the
29 department, and subject to approval by the centers for
30 Medicare and Medicaid services of the United States
31 department of health and human services.>

HEDDENS of Story



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Senate File 446

H-1397

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, line 10, by striking <3,203,771> and
5 inserting <3,278,771>
6 2. Page 12, line 28, by striking <523,751> and
7 inserting <598,751>

HALL of Woodbury

DAWSON of Woodbury



Iowa General Assembly
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Senate File 446

H-1398

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 33, line 30, by striking <81,274,946> and
5 inserting <81,919,946>
6 2. Page 36, line 32, by striking <1,288,285> and
7 inserting <1,933,285>
8 3. Page 36, line 36, by striking <each center> and
9 inserting <the center in the Black Hawk county area and
10 each other center>

KRESSIG of Black Hawk



Iowa General Assembly
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Senate File 446

H-1399

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 44, by striking <4,155,429> and
5 inserting <4,565,429>
6 2. By striking page 6, line 50, through page 7,
7 line 7, and inserting:
8 <b. Of the funds appropriated in this subsection,
9 \$891,644 shall be used for the brain injury services
10 program pursuant to section 135.22B, including for
11 continuation of the contracts for resource facilitator
12 services in accordance with section 135.22B, subsection
13 9, and to enhance brain injury training and recruitment
14 of service providers on a statewide basis. Of the
15 amount allocated in this paragraph, \$95,000 shall be
16 used to fund one full-time equivalent position to serve
17 as the state brain injury service program manager.>

HEDDENS of Story

T. OLSON of Linn

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Senate File 446

H-1400

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 44, by striking <4,155,429> and
5 inserting <4,295,148>
6 2. Page 8, after line 11 by inserting:
7 <k. Of the funds appropriated in this subsection,
8 \$139,719 shall be used to fund the state comprehensive
9 Alzheimer's disease response strategy as enacted in
10 this Act.>
11 3. Page 72, after line 8 by inserting:
12 <DIVISION
13 ALZHEIMER'S COORDINATION AND STRATEGY
14 Sec. _____. NEW SECTION. 135P.1 Definitions.
15 As used in this chapter, unless the context
16 otherwise requires:
17 1. "Alzheimer's disease" or "Alzheimer's" means a
18 progressive, degenerative, fatal disorder that results
19 in loss of memory, loss of thinking and language
20 skills, and behavioral changes. "Alzheimer's disease"
21 includes related dementias including vascular dementia,
22 Parkinson's disease, dementia with Lewy bodies,
23 frontotemporal dementia, Creutzfeldt-Jacob disease,
24 normal pressure hydrocephalus, and mixed dementia.
25 2. "Department" means the department of public
26 health.
27 Sec. _____. NEW SECTION. 135P.2 Alzheimer's disease
28 — state-level coordination and comprehensive response
29 strategy.
30 1. The department shall develop and administer,
31 and provide for state-level coordination of, a
32 comprehensive Alzheimer's disease response strategy in
33 accordance with the recommendations of the stakeholder
34 workgroup convened pursuant to 2011 Iowa Acts, chapter
35 61. The response strategy shall include development
36 and monitoring of short-term and long-term objectives
37 and action steps to ensure that individuals with
38 Alzheimer's disease have access to the highest
39 quality and most appropriate care at all stages of
40 the disease and in all settings across the service
41 and supports continuum. The response strategy may
42 include prioritization of objectives and action steps
43 to most efficiently utilize resources and funding. The
44 department shall update the initial response strategy
45 biennially and shall submit a progress report annually
46 in January to the governor and the general assembly.
47 2. In providing state-level coordination, the
48 department shall integrate public and private resources
49 and programs, reduce duplication, evaluate programs and
50 services to ensure that evidence-based, high-quality

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1 programs and services are available to maximize the
2 positive impact for individuals with Alzheimer's and
3 their families and caregivers, and promote public
4 awareness.

5 3. In developing the comprehensive Alzheimer's
6 disease response strategy, the department shall do all
7 of the following:

8 a. Establish an Alzheimer's disease coordinator
9 position in the department in a manner similar to those
10 positions that address other chronic conditions in the
11 state. The coordinator, in partnership with public and
12 private entities and the multidisciplinary advisory
13 council convened pursuant to paragraph "b", shall do
14 all of the following:

15 (1) Implement the recommendations of the
16 Alzheimer's disease stakeholder workgroup convened
17 pursuant to 2011 Iowa Acts, chapter 61, and establish
18 standards for the comprehensive Alzheimer's disease
19 response strategy.

20 (2) Inform, educate, and empower the public
21 regarding the impact of Alzheimer's disease, in order
22 to increase awareness of the disease and in particular
23 the benefits of early detection, while working to
24 decrease the stigma associated with Alzheimer's
25 disease.

26 (3) Monitor the prevalence of Alzheimer's disease
27 and cognitive impairment in the state through data
28 collection and coordination efforts. Such data shall
29 be made available to and used to assist public and
30 private efforts in developing evidence-based programs
31 and policies that address Alzheimer's disease.

32 (4) Evaluate, and promote the improved
33 effectiveness, accessibility, and quality of,
34 clinical and population-based Alzheimer's services.
35 The evaluation and promotion efforts shall include
36 coordination of services to reach rural and underserved
37 areas of the state.

38 (5) Ensure a competent public and private sector
39 workforce specific to the challenges of Alzheimer's
40 disease. The effort shall include coordinating
41 existing state efforts to develop, implement, and
42 evaluate curricula and training requirements for
43 providers of services who interact with individuals
44 with Alzheimer's disease.

45 (6) Act as a liaison to the aging and disabilities
46 resource centers, area agencies on aging, Alzheimer's
47 association chapters, the health and long-term care
48 access advisory council created by the department
49 to implement the directives of sections 135.163 and
50 135.164, and other entities to ensure Alzheimer's

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1 disease is appropriately addressed in the state.
2 (7) Secure public and private funding relating to
3 dementia to fulfill the duties specified under this
4 chapter.
5 b. Convene a multidisciplinary advisory council.
6 The council shall assist and advise the department
7 and the coordinator; develop partnerships to
8 provide coordination, collaboration, and support for
9 Alzheimer's-related services and programs throughout
10 the state; and advocate on behalf of persons with
11 Alzheimer's disease and their families. The advisory
12 council shall, at a minimum, include representation
13 from individuals with Alzheimer's disease and their
14 families; caregivers and other providers of services
15 and supports; medical providers including primary
16 and specialty care providers, which shall include
17 geriatricians, neurologists, and others with expertise
18 in Alzheimer's disease; the Alzheimer's association;
19 community-based organizations and other organizations
20 with interest or expertise in Alzheimer's disease;
21 academic institutions and programs with a focus on
22 Alzheimer's disease and dementia; and appropriate state
23 agencies including but not limited to the department on
24 aging, the department of human services, the department
25 of inspections and appeals, the department of public
26 safety, and the department of workforce development.
27 The department shall enlist private entities in
28 providing staff support for the council.
29 Sec. _____. REPEAL. Section 135.171, Code 2013, is
30 repealed.
31 Sec. _____. INCORPORATION OF EXISTING STATE
32 DUTIES. The department of public health shall
33 incorporate the requirements specified in section
34 135.171, Code 2013, into the comprehensive Alzheimer's
35 disease strategy developed and administered pursuant to
36 this division of this Act.>
37 4. By renumbering as necessary.

GASKILL of Wapello



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Senate File 446

H-1401

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 2, line 32, through page 5,
5 line 34, and inserting:
6 <1. ADDICTIVE DISORDERS
7 For reducing the prevalence of use of tobacco,
8 alcohol, and other drugs, and treating individuals
9 affected by addictive behaviors, including gambling,
10 and for not more than the following full-time
11 equivalent positions:
12 \$ 29,763,690
13 FTEs 13.00
14 a. (1) Of the funds appropriated in this
15 subsection, \$7,748,361 shall be used for the tobacco
16 use prevention and control initiative, including
17 efforts at the state and local levels, as provided
18 in chapter 142A. The commission on tobacco use
19 prevention and control established pursuant to section
20 142A.3 shall advise the director of public health in
21 prioritizing funding needs and the allocation of moneys
22 appropriated for the programs and activities of the
23 initiative under this subparagraph (1) and shall make
24 recommendations to the director in the development of
25 budget requests relating to the initiative.
26 (2) Of the funds allocated in this paragraph "a",
27 \$50,000 shall be used for a social media campaign to
28 address tobacco use reduction.
29 (3) (a) Of the funds allocated in this paragraph
30 "a", \$453,067 shall be transferred to the alcoholic
31 beverages division of the department of commerce
32 for enforcement of tobacco laws, regulations, and
33 ordinances and to engage in tobacco control activities
34 approved by the division of tobacco use prevention and
35 control as specified in the memorandum of understanding
36 entered into between the divisions.
37 (b) For the fiscal year beginning July 1, 2013, and
38 ending June 30, 2014, the terms of the memorandum of
39 understanding, entered into between the division of
40 tobacco use prevention and control of the department
41 of public health and the alcoholic beverages division
42 of the department of commerce, governing compliance
43 checks conducted to ensure licensed retail tobacco
44 outlet conformity with tobacco laws, regulations, and
45 ordinances relating to persons under eighteen years of
46 age, shall restrict the number of such checks to one
47 check per retail outlet, and one additional check for
48 any retail outlet found to be in violation during the
49 first check.
50 b. Of the funds appropriated in this subsection,

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1 \$22,015,329 shall be used for problem gambling and
2 substance-related disorder prevention, treatment, and
3 recovery services, including a 24-hour helpline, public
4 information resources, professional training, and
5 program evaluation.
6 (1) Of the funds allocated in this paragraph
7 "b", \$18,903,715 shall be used for substance-related
8 disorder prevention and treatment.
9 (a) Of the funds allocated in this subparagraph
10 (1), \$899,300 shall be used for the public purpose of
11 a grant program to provide substance-related disorder
12 prevention programming for children.
13 (i) Of the funds allocated in this subparagraph
14 division (a), \$427,539 shall be used for grant funding
15 for organizations that provide programming for
16 children by utilizing mentors. Programs approved for
17 such grants shall be certified or will be certified
18 within six months of receiving the grant award by the
19 Iowa commission on volunteer services as utilizing
20 the standards for effective practice for mentoring
21 programs.
22 (ii) Of the funds allocated in this subparagraph
23 division (a), \$426,839 shall be used for grant
24 funding for organizations that provide programming
25 that includes youth development and leadership. The
26 programs shall also be recognized as being programs
27 that are scientifically based with evidence of their
28 effectiveness in reducing substance-related disorders
29 in children.
30 (iii) The department of public health shall utilize
31 a request for proposals process to implement the grant
32 program.
33 (iv) All grant recipients shall participate in a
34 program evaluation as a requirement for receiving grant
35 funds.
36 (v) Of the funds allocated in this subparagraph
37 division (a), up to \$44,922 may be used to administer
38 substance-related disorder prevention grants and for
39 program evaluations.
40 (b) Of the funds allocated in this subparagraph
41 (1), \$272,603 shall be used for culturally competent
42 substance-related disorder treatment pilot projects.
43 (i) The department shall utilize the amount
44 allocated in this subparagraph division (b) for at
45 least three pilot projects to provide culturally
46 competent substance-related disorder treatment in
47 various areas of the state. Each pilot project shall
48 target a particular ethnic minority population. The
49 populations targeted shall include but are not limited
50 to African American, Asian, and Latino.

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1 (ii) The pilot project requirements shall provide
2 for documentation or other means to ensure access
3 to the cultural competence approach used by a pilot
4 project so that such approach can be replicated and
5 improved upon in successor programs.
6 (2) Of the funds allocated in this paragraph "b",
7 up to \$3,111,614 may be used for problem gambling
8 prevention, treatment, and recovery services.
9 (a) Of the funds allocated in this subparagraph
10 (2), \$2,573,762 shall be used for problem gambling
11 prevention and treatment.
12 (b) Of the funds allocated in this subparagraph
13 (2), up to \$437,852 may be used for a 24-hour helpline,
14 public information resources, professional training,
15 and program evaluation.
16 (c) Of the funds allocated in this subparagraph
17 (2), up to \$100,000 may be used for the licensing of
18 problem gambling treatment programs.
19 (3) It is the intent of the general assembly that
20 from the moneys allocated in this paragraph "b",
21 persons with a dual diagnosis of substance-related
22 disorder and gambling addiction shall be given priority
23 in treatment services.
24 c. Notwithstanding any provision of law to the
25 contrary, to standardize the availability, delivery,
26 cost of delivery, and accountability of problem
27 gambling and substance-related disorder treatment
28 services statewide, the department shall continue
29 implementation of a process to create a system for
30 delivery of treatment services in accordance with the
31 requirements specified in 2008 Iowa Acts, chapter
32 1187, section 3, subsection 4. To ensure the system
33 provides a continuum of treatment services that best
34 meets the needs of Iowans, the problem gambling and
35 substance-related disorder treatment services in any
36 area may be provided either by a single agency or by
37 separate agencies submitting a joint proposal.
38 (1) The system for delivery of substance-related
39 disorder and problem gambling treatment shall include
40 problem gambling prevention.
41 (2) The system for delivery of substance-related
42 disorder and problem gambling treatment shall include
43 substance-related disorder prevention by July 1, 2014.
44 (3) Of the funds allocated in paragraph "b", the
45 department may use up to \$100,000 for administrative
46 costs to continue developing and implementing the
47 process in accordance with this paragraph "c".
48 d. The requirement of section 123.53, subsection
49 5, is met by the appropriations and allocations made
50 in this Act for purposes of substance-related disorder

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1 treatment and addictive disorders for the fiscal year
2 beginning July 1, 2013.
3 e. The department of public health shall work with
4 all other departments that fund substance-related
5 disorder prevention and treatment services and all
6 such departments shall, to the extent necessary,
7 collectively meet the state maintenance of effort
8 requirements for expenditures for substance-related
9 disorder services as required under the federal
10 substance-related disorder prevention and treatment
11 block grant.>
12 2. By renumbering as necessary.

HEDDENS of Story

M. SMITH of Marshall



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Senate File 446

H-1402

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 13, line 26, by striking <7,525,714> and
5 inserting <8,025,714>

M. SMITH of Marshall



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Senate Amendment to
House File 527

H-1403

1 Amend House File 527, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 3 through 6 and
4 inserting:
5 <NEW SUBSECTION. 01. "Aggravated misdemeanor" means
6 an offense classified as an aggravated misdemeanor
7 committed by a person eighteen years of age or older on
8 or after the effective date of this Act, other than any
9 of the following offenses:
10 a. A violation of chapter 321.
11 b. A second offense violation of section 321J.2,
12 unless the person has more than one previous revocation
13 as determined pursuant to section 321J.2, subsection 8,
14 within the twelve-year period immediately preceding the
15 commission of the offense in question.
16 c. A violation of chapter 716B.
17 d. A violation of chapter 717A.
18 e. A violation of section 725.7.>
19 2. Page 1, lines 9 and 10, by striking <or
20 aggravated misdemeanor>
21 3. Title page, by striking lines 1 through 3
22 and inserting <An Act requiring certain aggravated
23 misdemeanants to submit a DNA sample and including
24 effective>

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Senate File 452

H-1404

1 Amend Senate File 452, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. BUDGET PROCESS FOR FISCAL YEAR
8 2014-2015.

9 1. For the budget process applicable to the fiscal
10 year beginning July 1, 2014, on or before October 1,
11 2013, in lieu of the information specified in section
12 8.23, subsection 1, unnumbered paragraph 1, and
13 paragraph "a", all departments and establishments of
14 the government shall transmit to the director of the
15 department of management, on blanks to be furnished
16 by the director, estimates of their expenditure
17 requirements, including every proposed expenditure, for
18 the ensuing fiscal year, together with supporting data
19 and explanations as called for by the director of the
20 department of management after consultation with the
21 legislative services agency.

22 2. The estimates of expenditure requirements
23 shall be in a form specified by the director of
24 the department of management, and the expenditure
25 requirements shall include all proposed expenditures
26 and shall be prioritized by program or the results to
27 be achieved. The estimates shall be accompanied by
28 performance measures for evaluating the effectiveness
29 of the programs or results.

30 Sec. 2. GENERAL ASSEMBLY.

31 1. The appropriations made pursuant to section
32 2.12 for the expenses of the general assembly and
33 legislative agencies for the fiscal year beginning July
34 1, 2013, and ending June 30, 2014, are reduced by the
35 following amount:

36 \$ 3,000,000

37 2. The budgeted amounts for the general assembly
38 for the fiscal year beginning July 1, 2013, may be
39 adjusted to reflect unexpended budgeted amounts from
40 the previous fiscal year.

41 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS

42 — FY 2013-2014. Notwithstanding the standing
43 appropriations in the following designated sections for
44 the fiscal year beginning July 1, 2013, and ending June
45 30, 2014, the amounts appropriated from the general
46 fund of the state pursuant to these sections for the
47 following designated purposes shall not exceed the
48 following amounts:

49 1. For paying claims against the state under
50 section 25.2:

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1 \$ 3,000,000
2 2. For operational support grants and community
3 cultural grants under section 99F.11, subsection 3,
4 paragraph "d", subparagraph (1):
5 \$ 416,702
6 3. For regional tourism marketing under section
7 99F.11, subsection 3, paragraph "d", subparagraph (2):
8 \$ 810,306
9 4. For programs for at-risk children under section
10 279.51:
11 \$ 10,728,891
12 The amount of any reduction in this subsection shall
13 be prorated among the programs specified in section
14 279.51, subsection 1, paragraphs "a", "b", and "c".
15 5. For payment for nonpublic school transportation
16 under section 285.2:
17 \$ 8,560,931
18 If total approved claims for reimbursement for
19 nonpublic school pupil transportation exceed the amount
20 appropriated in accordance with this subsection, the
21 department of education shall prorate the amount of
22 each approved claim.
23 6. For the enforcement of chapter 453D relating to
24 tobacco product manufacturers under section 453D.8:
25 \$ 18,416
26 Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS
27 — FY 2014-2015. Notwithstanding the standing
28 appropriations in the following designated sections for
29 the fiscal year beginning July 1, 2014, and ending June
30 30, 2015, the amounts appropriated from the general
31 fund of the state pursuant to these sections for the
32 following designated purposes shall not exceed the
33 following amounts:
34 1. For operational support grants and community
35 cultural grants under section 99F.11, subsection 3,
36 paragraph "d", subparagraph (1):
37 \$ 208,351
38 2. For regional tourism marketing under section
39 99F.11, subsection 3, paragraph "d", subparagraph (2):
40 \$ 405,153
41 3. For programs for at-risk children under section
42 279.51:
43 \$ 5,364,445
44 The amount of any reduction in this subsection shall
45 be prorated among the programs specified in section
46 279.51, subsection 1, paragraphs "a", "b", and "c".
47 4. For payment for nonpublic school transportation
48 under section 285.2:
49 \$ 8,560,931
50 If total approved claims for reimbursement for

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1 nonpublic school pupil transportation exceed the amount
2 appropriated in accordance with this subsection, the
3 department of education shall prorate the amount of
4 each approved claim.

5 5. For the enforcement of chapter 453D relating to
6 tobacco product manufacturers under section 453D.8:
7 \$ 9,208

8 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID —
9 FY 2013-2014 — FY 2014-2015. In lieu of the
10 appropriation provided in section 257.20, subsection 2,
11 the appropriation for the fiscal years beginning July
12 1, 2013, and July 1, 2014, for paying instructional
13 support state aid under section 257.20 for fiscal years
14 2013-2014 and 2014-2015 is zero.

15 Sec. 6. Section 97A.11A, subsection 1, Code 2013,
16 is amended to read as follows:

17 1. Beginning with the fiscal year commencing July
18 1, 2013 2015, and ending June 30 of the fiscal year
19 during which the board determines that the system's
20 funded ratio of assets to liabilities is at least
21 eighty-five percent, there is appropriated from the
22 general fund of the state for each fiscal year to the
23 retirement fund described in section 97A.8, an amount
24 equal to five million dollars.

25 Sec. 7. Section 257.35, Code 2013, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 7A. Notwithstanding subsection 1,
28 and in addition to the reduction applicable pursuant
29 to subsection 2, the state aid for area education
30 agencies and the portion of the combined district cost
31 calculated for these agencies for the fiscal year
32 beginning July 1, 2013, and ending June 30, 2014, shall
33 be reduced by the department of management by twenty
34 million dollars. The reduction for each area education
35 agency shall be prorated based on the reduction that
36 the agency received in the fiscal year beginning July
37 1, 2003.

38 DIVISION II

39 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

40 Sec. 8. INDIVIDUAL DEVELOPMENT ACCOUNT
41 PROGRAM. There is appropriated from the general fund
42 of the state to the department of human rights for the
43 fiscal year beginning July 1, 2013, and ending June 30,
44 2014, the following amounts, or so much thereof as is
45 necessary, for the purposes designated:

46 For deposit in the individual development account
47 state match fund created in section 541A.7 to support
48 the operating organization providing individual
49 development accounts in Iowa:

50 \$ 50,000

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1 Sec. 9. HOUSE FILE 603 — FTE AUTHORIZATION.

2 1. For purposes of the offices of the governor and
3 lieutenant governor, there is authorized an additional
4 3.00 full-time equivalent positions above those
5 otherwise authorized pursuant to 2013 Iowa Acts, House
6 File 603, if enacted.

7 2. For purposes of the department of management,
8 there is authorized an additional 1.00 full-time
9 equivalent position above those otherwise authorized
10 pursuant to 2013 Iowa Acts, House File 603, if enacted.

11 Sec. 10. HOME AND COMMUNITY-BASED SERVICES
12 PROVIDERS — REASONABLE COSTS OF STAFF TRAINING —
13 REIMBURSEMENT AS DIRECT COSTS. The department of
14 human services shall adopt rules pursuant to chapter
15 17A to provide that reasonable costs of staff training
16 incurred by providers of home and community-based
17 services under the medical assistance program are
18 reimbursable as direct costs. Such reimbursement
19 shall include reimbursement of the reasonable costs
20 associated with the learning management system utilized
21 under the college of direct support training program.

22 Sec. 11. Section 144.26, Code 2013, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 5. Upon the activation of an
25 electronic death record system, each person with a
26 duty related to death certificates shall participate
27 in the electronic death record system. A person with
28 a duty related to a death certificate includes but
29 is not limited to a physician as defined in section
30 135.1, a physician assistant, an advanced registered
31 nurse practitioner, a funeral director, and a county
32 recorder.

33 Sec. 12. Section 155A.32, subsection 2, Code 2013,
34 is amended to read as follows:

35 2. The pharmacist shall not exercise the drug
36 product selection described in this section if ~~either~~
37 any of the following is true:

38 a. The prescriber specifically indicates that no
39 drug product selection shall be made.

40 b. The person presenting the prescription indicates
41 that only the specific drug product prescribed should
42 be dispensed. However, this paragraph does not apply
43 if the cost of the prescription or any part of it will
44 be paid by expenditure of public funds authorized under
45 chapter 249A.

46 c. The prescriber indicates that a specific drug
47 product should be dispensed and a diagnosis of epilepsy
48 or seizure disorder is written on the prescription.
49 For the purposes of this paragraph, a "specific drug
50 product" means a specific drug, strength, dosage form,

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1 or dosing regimen from a specific manufacturer.

2 Sec. 13. Section 155A.32, Code 2013, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 4. If drug product selection is
5 prohibited pursuant to subsection 2, paragraph "c",
6 but the specific drug indicated is not available, the
7 pharmacist shall notify the patient and the prescriber
8 that the drug is not available. The board shall
9 adopt rules regarding notification of the patient and
10 prescriber under this subsection.

11 Sec. 14. Section 261.12, subsection 1, Code 2013,
12 is amended to read as follows:

13 1. The amount of a tuition grant to a qualified
14 full-time student for the fall and spring semesters, or
15 the trimester equivalent, shall be the amount of the
16 student's financial need for that period. However, a
17 tuition grant shall not exceed the ~~lesser of:~~

18 ~~a. The total tuition and mandatory fees for that~~
19 ~~student for two semesters or the trimester or quarter~~
20 ~~equivalent, less the base amount determined annually~~
21 ~~by the college student aid commission, which base~~
22 ~~amount shall be within ten dollars of the average~~
23 ~~tuition for two semesters or the trimester equivalent~~
24 ~~of undergraduate study at the state universities under~~
25 ~~the board of regents, but in any event the base amount~~
26 ~~shall not be less than four hundred dollars; or~~

27 ~~b. For the fiscal year beginning July 1, 2000, and~~
28 ~~for each following fiscal year, four thousand dollars.~~

29 Sec. 15. Section 261.93, subsection 2, paragraph
30 b, subparagraph (4), Code 2013, is amended to read as
31 follows:

32 (4) Is the child of a fire fighter or police
33 officer included under section 97B.49B, who was killed
34 in the line of duty as determined by the Iowa public
35 employees' retirement system in accordance with section
36 97B.52, subsection 2.

37 Sec. 16. Section 523A.303, subsection 1, paragraph
38 b, unnumbered paragraph 1, Code 2013, is amended to
39 read as follows:

40 At least sixty days after mailing notice to the
41 director, the seller shall disburse any ~~remaining~~
42 ~~funds amount in excess of five hundred dollars from the~~
43 ~~burial trust fund as follows:~~

44 DIVISION III

45 CORRECTIVE PROVISIONS

46 Sec. 17. Section 2.12, unnumbered paragraph 4, Code
47 2013, as amended by 2013 Iowa Acts, House File 185,
48 section 1, is amended to read as follows:

49 There is appropriated out of any funds in the state
50 treasury not otherwise appropriated such sums as

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1 may be necessary for the fiscal year budgets of the
2 legislative services agency and the ombudsman office
3 of ombudsman for salaries, support, maintenance, and
4 miscellaneous purposes to carry out their statutory
5 responsibilities. The legislative services agency
6 and the ombudsman office of ombudsman shall submit
7 their proposed budgets to the legislative council not
8 later than September 1 of each year. The legislative
9 council shall review and approve the proposed budgets
10 not later than December 1 of each year. The budget
11 approved by the legislative council for each of its
12 statutory legislative agencies shall be transmitted by
13 the legislative council to the department of management
14 on or before December 1 of each year for the fiscal
15 year beginning July 1 of the following year. The
16 department of management shall submit the approved
17 budgets received from the legislative council to the
18 governor for inclusion in the governor's proposed
19 budget for the succeeding fiscal year. The approved
20 budgets shall also be submitted to the chairpersons of
21 the committees on appropriations. The committees on
22 appropriations may allocate from the funds appropriated
23 by this section the funds contained in the approved
24 budgets, or such other amounts as specified, pursuant
25 to a concurrent resolution to be approved by both
26 houses of the general assembly. The director of
27 the department of administrative services shall
28 issue warrants for salaries, support, maintenance,
29 and miscellaneous purposes upon requisition by the
30 administrative head of each statutory legislative
31 agency. If the legislative council elects to change
32 the approved budget for a legislative agency prior to
33 July 1, the legislative council shall transmit the
34 amount of the budget revision to the department of
35 management prior to July 1 of the fiscal year, however,
36 if the general assembly approved the budget it cannot
37 be changed except pursuant to a concurrent resolution
38 approved by the general assembly.

39 Sec. 18. Section 2.42, subsection 14, Code 2013, as
40 amended by 2013 Iowa Acts, House File 185, section 2,
41 is amended to read as follows:

42 14. To hear and act upon appeals of aggrieved
43 employees of the legislative services agency and the
44 office of the ombudsman pursuant to rules of procedure
45 established by the council.

46 Sec. 19. Section 2C.3, subsection 2, Code 2013, as
47 enacted by 2013 Iowa Acts, House File 185, section 4,
48 is amended to read as follows:

49 2. The ombudsman shall employ and supervise all
50 employees under the ombudsman's direction in such

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1 positions and at such salaries as shall be authorized
2 by the legislative council. The legislative council
3 shall hear and act upon appeals of aggrieved employees
4 of the office of the ombudsman.

5 Sec. 20. Section 2C.9, subsection 6, Code 2013, as
6 amended by 2013 Iowa Acts, House File 185, section 10,
7 is amended to read as follows:

8 6. Establish rules relating to the operation,
9 organization, and procedure of the office of the
10 ombudsman. The rules are exempt from chapter 17A and
11 shall be published in the Iowa administrative code.

12 Sec. 21. Section 2C.11, subsection 1, unnumbered
13 paragraph 1, Code 2013, as amended by 2013 Iowa Acts,
14 House File 185, section 12, is amended to read as
15 follows:

16 An appropriate subject for investigation by the
17 office of the ombudsman is an administrative action
18 that might be:

19 Sec. 22. Section 2C.18, Code 2013, as amended by
20 2013 Iowa Acts, House File 185, section 20, is amended
21 to read as follows:

22 **2C.18 Report to general assembly.**

23 The ombudsman shall by April 1 of each year submit
24 an economically designed and reproduced report to
25 the general assembly and to the governor concerning
26 the exercise of the ~~ombudsman~~ ombudsman's functions
27 during the preceding calendar year. In discussing
28 matters with which the ombudsman has been concerned,
29 the ombudsman shall not identify specific persons if
30 to do so would cause needless hardship. If the annual
31 report criticizes a named agency or official, it shall
32 also include unedited replies made by the agency or
33 official to the criticism, unless excused by the agency
34 or official affected.

35 Sec. 23. Section 8B.21, subsection 5, paragraph e,
36 if enacted by 2013 Iowa Acts, Senate File 396, section
37 3, is amended to read as follows:

38 e. The department of public defense shall not be
39 required to obtain any information technology services
40 pursuant to this chapter for the department of public
41 defense that ~~is~~ are provided by the office pursuant
42 to this chapter without the consent of the adjutant
43 general.

44 Sec. 24. Section 23A.4, subsection 3, Code 2013, as
45 enacted by 2013 Iowa Acts, House File 185, section 27,
46 is amended to read as follows:

47 3. Chapter 17A and this section are the exclusive
48 remedy for violations of this chapter. However, the
49 office of the ombudsman may review violations of this
50 chapter and make recommendations as provided in chapter

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1 2C.

2 Sec. 25. Section 29.1, Code 2013, as amended by
3 2013 Iowa Acts, House File 307, section 9, is amended
4 to read as follows:

5 **29.1 Department of public defense.**

6 The department of public defense is composed of the
7 office of the adjutant general and the military forces
8 of the state of Iowa. The adjutant general is the
9 director of the department of public defense and shall
10 perform all functions, responsibilities, powers, and
11 duties ~~over~~ concerning the military forces of the state
12 of Iowa as provided in the laws of the state.

13 Sec. 26. Section 35A.13, subsection 6A, paragraph
14 b, subparagraph (1), if enacted by 2013 Iowa Acts,
15 House File 613, section 2, is amended to read as
16 follows:

17 (1) The commission may provide educational
18 assistance funds to any child who has lived in the
19 state of Iowa for two years preceding application for
20 state educational assistance, and who is the child
21 of a person who died prior to September 11, 2001,
22 during active federal military service while serving
23 in the armed forces or during active federal military
24 service in the Iowa national guard or other military
25 component of the United States, to defray the expenses
26 of tuition, matriculation, laboratory and similar
27 fees, books and supplies, board, lodging, and any
28 other reasonably necessary expense for the child or
29 children incident to attendance in this state at an
30 educational or training institution of college grade,
31 or in a business or vocational training school with
32 standards approved by the department. The commission
33 shall not expend more than six hundred dollars per year
34 for educational assistance for any one child under this
35 paragraph "b".

36 Sec. 27. Section 70A.28, subsection 6, Code 2013,
37 as amended by 2013 Iowa Acts, House File 185, section
38 28, is amended to read as follows:

39 6. Subsection 2 may also be enforced by an employee
40 through an administrative action pursuant to the
41 requirements of this subsection if the employee is not
42 a merit system employee or an employee covered by a
43 collective bargaining agreement. An employee eligible
44 to pursue an administrative action pursuant to this
45 subsection who is discharged, suspended, demoted, or
46 otherwise receives a reduction in pay and who believes
47 the adverse employment action was taken as a result
48 of the employee's disclosure of information that
49 was authorized pursuant to subsection 2, may file an
50 appeal of the adverse employment action with the public

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1 employment relations board within thirty calendar days
2 following the later of the effective date of the action
3 or the date a finding is issued to the employee by the
4 office of the ombudsman pursuant to section 2C.11A.
5 The findings issued by the ombudsman may be introduced
6 as evidence before the public employment relations
7 board. The employee has the right to a hearing closed
8 to the public, but may request a public hearing. The
9 hearing shall otherwise be conducted in accordance with
10 the rules of the public employment relations board and
11 the Iowa administrative procedure Act, chapter 17A. If
12 the public employment relations board finds that the
13 action taken in regard to the employee was in violation
14 of subsection 2, the employee may be reinstated without
15 loss of pay or benefits for the elapsed period, or
16 the public employment relations board may provide
17 other appropriate remedies. Decisions by the public
18 employment relations board constitute final agency
19 action.

20 Sec. 28. Section 105.10, subsection 3, Code 2013,
21 as amended by 2013 Iowa Acts, Senate File 427, section
22 10, is amended to read as follows:

23 3. An individual holding a master mechanical
24 license shall not be required to get an
25 HVAC-refrigeration, sheet metal, or hydronic license in
26 order to design, install, or repair the work defined
27 in this chapter as mechanical, HVAC-refrigeration,
28 sheet metal, or hydronic work. An individual holding
29 a journey journeyperson mechanical license shall
30 not be required to get an HVAC-refrigeration, sheet
31 metal, or hydronic license in order to install and
32 repair the work defined in this chapter as mechanical,
33 HVAC-refrigeration, sheet metal, or hydronic work. An
34 individual holding a master or journey journeyperson
35 mechanical license shall also not be required to obtain
36 a special, restricted license that is designated as a
37 sublicense of the mechanical, HVAC-refrigeration, sheet
38 metal, or hydronic licenses.

39 Sec. 29. Section 105.32, as enacted by 2013 Iowa
40 Acts, Senate File 427, section 32, Code 2013, is
41 amended to read as follows:

42 **105.32 Transition provisions.**

43 A licensee whose license expires between June 30,
44 2014, and July 1, 2017, may voluntarily renew ~~their~~
45 the license early so ~~they may have the license has an~~
46 expiration date of June 30, 2017. This voluntary early
47 renewal may happen at any time on or after July 1,
48 2014. The department shall promulgate rules that allow
49 for this one-time early renewal process, including fees
50 and continuing education requirements.

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1 Sec. 30. Section 126.11, subsection 3, paragraph
2 b, Code 2013, as amended by 2013 Iowa Acts, House File
3 417, section 26, is amended to read as follows:
4 b. A drug dispensed by filling or refilling a
5 written, electronic, facsimile, or oral prescription
6 of a practitioner licensed by law to administer the
7 drug is exempt from section 126.10, except section
8 126.10, subsection 1, paragraph "a", section 126.10,
9 subsection 1, paragraph "i", subparagraphs (2) and (3),
10 and section 126.10, subsection 1, paragraphs "k" and
11 "l", and the packaging requirements of section 126.10,
12 subsection 1, paragraphs "g", "h", and "p", if the
13 drug bears a label containing the name and address of
14 the dispenser, the date of the prescription or of its
15 filling, the name of the prescriber, and, if stated
16 in the prescription, the name of the patient, and the
17 directions for use and cautionary statements, if any,
18 contained in the prescription. This exemption does
19 not apply to a drug dispensed in the course of the
20 conduct of the business of dispensing drugs pursuant to
21 diagnosis by mail, or to a drug dispensed in violation
22 of paragraph "a" of this subsection.
23 Sec. 31. Section 249A.43, subsection 3, as enacted
24 by 2013 Iowa Acts, Senate File 357, section 7, is
25 amended to read as follows:
26 3. An affidavit of service of a notice of entry
27 of judgment shall be made by first class mail at the
28 address where the debtor was served with the notice
29 of overpayment. Service is completed upon mailing as
30 specified in this ~~paragraph~~ subsection.
31 Sec. 32. Section 252D.17, subsection 1, paragraph
32 m, as enacted by 2013 Iowa Acts, House File 417,
33 section 55, Code 2013, is amended to read as follows:
34 ~~m.~~ 2. The department shall establish criteria and
35 a phased-in schedule to require, no later than June
36 30, 2015, payors of income to electronically transmit
37 the amounts withheld under an income withholding
38 order. The department shall assist payors of income in
39 complying with the required electronic transmission,
40 and shall adopt rules setting forth procedures
41 for use in electronic transmission of funds, and
42 exemption from use of electronic transmission taking
43 into consideration any undue hardship electronic
44 transmission creates for payors of income.
45 Sec. 33. Section 263B.3, Code 2013, as amended by
46 2013 Iowa Acts, House File 417, section 63, is amended
47 to read as follows:
48 **263B.3 Agreements with federal departments.**
49 The state archaeologist is authorized to enter into
50 agreements and cooperative efforts with the federal

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1 highway administrator, the United States departments
2 of commerce, interior, agriculture, and defense,
3 and any other federal or state agencies concerned
4 with archaeological salvage or the preservation of
5 antiquities.

6 Sec. 34. Section 321.463, subsection 12A,
7 paragraphs a and c, as enacted by 2013 Iowa Acts, House
8 File 14, section 1, are amended to read as follows:

9 a. A person operating a vehicle or combination of
10 vehicles equipped with a retractable axle may raise the
11 axle when necessary to negotiate a turn, provided that
12 the retractable axle is lowered within one thousand
13 feet following completion of the turn. This paragraph
14 does not apply to a vehicle or combination of vehicles
15 operated on an interstate highway, including a ramp to
16 or from an interstate highway, or on a bridge.

17 c. This subsection does not prohibit the operation
18 of a vehicle or combination of vehicles equipped with
19 a retractable axle ~~from operating~~ with the retractable
20 axle raised when the vehicle or combination of vehicles
21 is in compliance with the weight limitations of this
22 section with the retractable axle raised.

23 Sec. 35. Section 321E.9A, subsection 1, Code 2013,
24 as amended by 2013 Iowa Acts, Senate File 355, section
25 7, is amended to read as follows:

26 1. Vehicles with indivisible loads having an
27 overall length not to exceed one hundred twenty feet,
28 an overall width not to exceed sixteen feet, and a
29 height not to exceed fifteen feet five inches may
30 be moved on highways specified by the ~~permitting~~
31 permit-issuing authority, provided the gross weight on
32 any one axle shall not exceed the maximum prescribed
33 in section 321.463 and the total gross weight is not
34 greater than one hundred fifty-six thousand pounds.

35 Sec. 36. Section 327F.39, subsection 6, paragraph
36 b, if enacted by 2013 Iowa Acts, Senate File 340,
37 section 4, is amended to read as follows:

38 b. A violation of subsection 4A or rules adopted
39 pursuant to subsection 4A by a railroad worker
40 transportation company or a railroad ~~corporation~~
41 company is punishable as a schedule "one" penalty under
42 section 327C.5.

43 Sec. 37. Section 418.5, subsection 1, Code 2013, as
44 amended by 2013 Iowa Acts, House File 307, section 51,
45 is amended to read as follows:

46 1. The flood mitigation board is established
47 consisting of nine voting members and four ex officio,
48 nonvoting members, and is located for administrative
49 purposes within the ~~division~~ department. The director
50 of the department shall provide office space, staff

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1 assistance, and necessary supplies and equipment for
2 the board. The director shall budget funds to pay the
3 necessary expenses of the board. In performing its
4 functions, the board is performing a public function
5 on behalf of the state and is a public instrumentality
6 of the state.

7 Sec. 38. Section 426A.11, subsection 1, Code 2013,
8 as amended by 2013 Iowa Acts, House File 417, section
9 97, is amended to read as follows:

10 1. The property, not to exceed two thousand seven
11 hundred seventy-eight dollars in taxable value of any
12 veteran, as defined in section 35.1, of the World War
13 I.

14 Sec. 39. Section 455B.275, subsection 3A,
15 paragraphs a and b, if enacted by 2013 Iowa Acts, House
16 File 541, section 1, are amended to read as follows:

17 a. The person reconstructing the dam is only
18 required to possess the flooding easements or ownership
19 which ~~were~~ was held prior to the reconstruction as long
20 as the former normal pool elevation is not exceeded and
21 the spillway capacity is increased by at least fifty
22 percent.

23 b. Flooding easements or ownership ~~are~~ is only
24 required to the top of the reconstructed spillway
25 elevation.

26 Sec. 40. Section 490.863, subsection 3, paragraph
27 a, as enacted by 2013 Iowa Acts, House File 469,
28 section 43, is amended to read as follows:

29 a. "Holder" means and "held by" refers to shares
30 held by both a record shareholder, as defined in
31 section 490.1301, subsection 7, and a beneficial
32 shareholder, as defined in section 490.1301, subsection
33 2.

34 Sec. 41. Section 490.1302, subsection 2, paragraph
35 d, Code 2013, as amended by 2013 Iowa Acts, House File
36 469, section 53, is amended to read as follows:

37 d. Paragraph "a" shall not be applicable and
38 appraisal rights shall be available pursuant to
39 subsection 1 for the holders of any class or series
40 of shares where the corporate action is an interested
41 transaction.

42 Sec. 42. Section 522.6, subsection 2, if enacted by
43 2013 Iowa Acts, Senate File 189, section 6, is amended
44 to read as follows:

45 2. If an insurer qualifies for exemption from the
46 requirements of this chapter pursuant to paragraph "a"
47 of subsection 1, but the insurance group of which the
48 insurer is a member does not qualify for exemption
49 pursuant to paragraph "b" of subsection 1, then the
50 own risk and solvency assessment summary report that

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1 is required pursuant to section ~~521H.5~~ 522.5 shall
2 include information concerning every insurer in the
3 insurance group. This requirement may be satisfied by
4 the submission of more than one summary report for any
5 combination of insurers in the insurance group provided
6 that the combination of reports submitted includes
7 every insurer in the insurance group.
8 Sec. 43. Section 533.405, subsection 4A, paragraph
9 b, subparagraphs (1) and (2), as enacted by 2013 Iowa
10 Acts, Senate File 183, section 8, are amended to read
11 as follows:
12 (1) State credit unions with assets in excess of \$5
13 five million dollars as of the month ending immediately
14 prior to the date of the conclusion of the vote by the
15 membership approving the dissolution shall publish
16 the notice once a week for two successive weeks in a
17 newspaper of general circulation in each county in
18 which the state credit union maintains an office or
19 branch for the transaction of business.
20 (2) State credit unions with assets of \$5 five
21 million dollars or less as of the month ending
22 immediately prior to the date of the conclusion of
23 the vote by the membership approving the dissolution
24 shall publish the notice once in a newspaper of general
25 circulation in each county in which the state credit
26 union maintains an office or branch.
27 Sec. 44. Section 543C.2, subsection 1, paragraph j,
28 if enacted by 2013 Iowa Acts, House File 556, section
29 167, is amended to read as follows:
30 j. The subdivider, if a corporation, must register
31 to do business in the state of Iowa as a foreign
32 corporation with the secretary of state and furnish a
33 copy of the certificate of authority to do business
34 in the state of Iowa. If not a corporation, the
35 subdivider must comply with the provisions of chapter
36 547, by filing a proper trade name with the Polk
37 county recorder. The provisions of this ~~subsection~~
38 paragraph shall also apply to any person, partnership,
39 firm, company, corporation, or association, other than
40 the subdivider, which is engaged by or through the
41 subdivider for the purpose of advertising or selling
42 the land involved in the filing.
43 Sec. 45. Section 556.2, subsection 5, paragraph a,
44 unnumbered paragraph 1, as enacted by 2013 Iowa Acts,
45 House File 417, section 174, is amended to read as
46 follows:
47 A banking organization or financial organization
48 shall send to the owner of each account, to which none
49 of the actions specified in subsection 2 1, paragraphs
50 "a" through "e" or subsection 2, paragraphs "a" through

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1 "e" have occurred during the preceding three calendar
2 years, a notice by certified mail stating in substance
3 the following:

4 Sec. 46. Section 716.7, subsection 1, as amended
5 by 2013 Iowa Acts, House File 556, section 234, if
6 enacted, is amended to read as follows:

7 1. For purposes of this section:

8 a. "Property" shall include any land, dwelling,
9 building, conveyance, vehicle, or other temporary or
10 permanent structure whether publicly or privately
11 owned.

12 b. "Public utility" is a public utility as defined
13 in section 476.1 or an electric transmission line as
14 provided in chapter 478.

15 ~~b. c.~~ "Public utility property" means any land,
16 dwelling, building, conveyance, vehicle, or other
17 temporary or permanent structure owned, leased, or
18 operated by a public utility and that is completely
19 enclosed by a physical barrier of any kind. ~~For~~
20 ~~the purposes of this section, a "public utility" is~~
21 ~~a public utility as defined in section 476.1 or an~~
22 ~~electric transmission line as provided in chapter 478.~~

23 ~~c. d.~~ "Railway corporation" means a corporation,
24 company, or person owning, leasing, or operating any
25 railroad in whole or in part within this state.

26 ~~d. e.~~ "Railway property" means all tangible real
27 and personal property owned, leased, or operated
28 by a railway corporation with the exception of any
29 administrative building or offices of the railway
30 corporation.

31 Sec. 47. Section 724.2, subsection 1, paragraph i,
32 if enacted by 2013 Iowa Acts, House File 556, section
33 206, is amended to read as follows:

34 i. A nonresident who possesses an offensive weapon
35 which is a curio or relic firearm under the federal
36 Firearms Act, 18 U.S.C. ch. 44, solely for use in
37 official functions in this state of a historical
38 reenactment organization of which the person is a
39 member, if the offensive weapon is legally possessed
40 by the person in the person's state of residence and
41 the offensive weapon is at all times while in this
42 state rendered incapable of firing live ammunition. A
43 nonresident who possesses an offensive weapon under
44 this subsection paragraph while in this state shall
45 not have in the person's possession live ammunition.
46 The offensive weapon may, however, be adapted for the
47 firing of blank ammunition.

48 Sec. 48. 2013 Iowa Acts, House File 556, section
49 257, subsection 3, if enacted, is amended by adding the
50 following new subsection:

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1 NEW SUBSECTION. 12. The Code editor is directed
2 to change any terminology that references a web site,
3 websites, the internet, and internet site, or internet
4 sites in any Act enacted during the 2013 regular
5 session of the Eighty-fifth General Assembly in the
6 same manner as that terminology is changed in this
7 section of this Act.
8 Sec. 49. 2013 Iowa Acts, House File 607, section
9 29, subsection 3, if enacted, is amended to read as
10 follows:
11 3. The department of agriculture and land
12 stewardship or the office of attorney general acting
13 on behalf of the agricultural development authority in
14 an administrative or judicial proceeding shall not be
15 affected as a result of this Act. Any ~~statue~~ statute
16 of limitation shall apply to the parties as if this Act
17 had not been enacted.
18 Sec. 50. 2013 Iowa Acts, House File 607, section
19 34, if enacted, is amended to read as follows:
20 SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The
21 Iowa finance authority shall complete the
22 administration of ongoing programs of the agricultural
23 development authority as provided in chapter 175, to
24 the extent that the administration of those programs
25 ~~are~~ is in progress on the effective date of this
26 division of this Act. The Iowa finance authority shall
27 assume all rights and obligations of the agricultural
28 development authority to the extent that moneys have
29 been committed, obligations incurred, or rights accrued
30 prior to the effective date of this division of this
31 Act. Moneys owing due to the rights and obligations of
32 the agricultural development authority and assumed by
33 the Iowa finance authority shall be paid as directed by
34 the Iowa finance authority.
35 Sec. 51. 2013 Iowa Acts, House File 607, section
36 35, subsection 1, if enacted, is amended to read as
37 follows:
38 1. The assets and liabilities of the former
39 Iowa rural rehabilitation corporation assumed by
40 the agricultural development authority pursuant to
41 section 175.28 shall be transferred to the Iowa finance
42 authority on the effective date of this division of
43 this Act. On such effective date, the Iowa finance
44 authority shall be the successor in interest to
45 the agreements in effect between the United States
46 government and the agricultural development authority
47 on behalf of this state.
48 Sec. 52. 2013 Iowa Acts, Senate File 427, section
49 35, is amended to read as follows:
50 SEC. 35. ADMINISTRATIVE RULES. The department

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1 of public health shall adopt all initial rules,
2 and amendments to existing rules, necessary for the
3 implementation of this Act.

4 Sec. 53. REPEAL. 2013 Iowa Acts, House File 417,
5 section 34, and 2013 Iowa Acts, House File 556, section
6 27, if enacted, are repealed.

7 Sec. 54. REPEAL. 2013 Iowa Acts, House File 469,
8 sections 83 and 84, are repealed.

9 Sec. 55. CONTINGENT REPEAL. If 2013 Iowa Acts,
10 House File 575, section 12, is enacted, 2013 Iowa Acts,
11 House File 417, section 93, is repealed.

12 DIVISION IV
13 EMINENT DOMAIN

14 Sec. 56. NEW SECTION. 6A.15 Property on state
15 historic registry.

16 1. Property listed on the state register of
17 historic places maintained by the historical division
18 of the department of cultural affairs shall not be
19 removed from the register solely for the purpose of
20 allowing acquisition of the property by condemnation,
21 unless such condemnation is undertaken by the
22 department of transportation.

23 2. Property listed on the state register of
24 historic places maintained by the historical division
25 of the department of cultural affairs shall not be
26 condemned by the state or a political subdivision
27 unless a joint resolution authorizing commencement of
28 the condemnation proceedings is approved by a vote of
29 at least two-thirds of the members of both chambers
30 of the general assembly and signed by the governor.
31 The approval requirements of this subsection shall not
32 apply to condemnation undertaken by the department of
33 transportation.

34 Sec. 57. Section 6A.19, Code 2013, is amended to
35 read as follows:

36 **6A.19 Interpretative clause.**

37 A grant in this chapter of right to take private
38 property for a public use shall not be construed as
39 limiting a like grant elsewhere in the Code for another
40 and different use. Unless specifically provided by
41 law, this chapter shall not be construed to limit or
42 otherwise affect the application of chapters 478 and
43 479 to the eminent domain authority of the utilities
44 division of the department of commerce.

45 Sec. 58. Section 6A.22, subsection 2, paragraph
46 c, subparagraph (1), Code 2013, is amended to read as
47 follows:

48 (1) (a) If private property is to be condemned for
49 development or creation of a lake, only that number
50 of acres justified as reasonable and necessary for



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1 a surface drinking water source, and not otherwise
2 acquired, may be condemned. In addition, the acquiring
3 agency shall conduct a review of prudent and feasible
4 alternatives to provision of a drinking water source
5 prior to making a determination that such lake
6 development or creation is reasonable and necessary.
7 Development or creation of a lake as a surface drinking
8 water source includes all of the following:
9 (i) Construction of the dam, including sites for
10 suitable borrow material and the auxiliary spillway.
11 (ii) The water supply pool.
12 (iii) The sediment pool.
13 (iv) The flood control pool.
14 (v) The floodwater retarding pool.
15 (vi) The surrounding area upstream of the dam
16 no higher in elevation than the top of the dam's
17 elevation.
18 (vii) The appropriate setback distance required
19 by state or federal laws and regulations to protect
20 drinking water supply.
21 (b) For purposes of this subparagraph (1), "*number*
22 *of acres justified as reasonable and necessary for*
23 *a surface drinking water source*" means according to
24 guidelines of the United States natural resource
25 conservation service and according to analyses of
26 surface drinking water capacity needs conducted
27 by one or more registered professional engineers.
28 The registered professional engineers may, if
29 appropriate, employ standards or guidelines other
30 than the guidelines of the United States natural
31 resource conservation service when determining the
32 number of acres justified as reasonable and necessary
33 for a surface drinking water source. The data and
34 information used by the registered professional
35 engineers shall include data and information relating
36 to population and commercial enterprise activity for
37 the area from the two most recent federal decennial
38 censuses unless the district court of the county in
39 which the property is situated has determined by a
40 preponderance of the evidence that such data would
41 not accurately predict the population and commercial
42 enterprise activity of the area in the future.
43 (c) A second review or analysis of the drinking
44 water capacity needs shall be performed upon receipt
45 by the acquiring agency of a petition signed by not
46 less than twenty-five percent of the affected property
47 owners. The registered professional engineer to
48 perform the second review or analysis shall be selected
49 by a committee appointed by the affected property
50 owners and whose membership is comprised of at least

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1 fifty percent property owners affected by the proposed
2 condemnation action. The acquiring agency shall be
3 responsible for paying the fees and expenses of such
4 an engineer.
5 (d) If private property is to be condemned for
6 development or creation of a lake, the plans, analyses,
7 applications, including any application for funding,
8 and other planning activities of the acquiring agency
9 shall not include or provide for the use of the lake
10 for recreational purposes.
11 Sec. 59. Section 6B.54, subsection 10, paragraph
12 a, Code 2013, is amended by adding the following new
13 subparagraph:
14 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
15 reasonable costs not to exceed one hundred thousand
16 dollars, attributable to a determination that the
17 creation of a lake through condemnation includes a
18 future recreational use or that a violation of section
19 6A.22, subsection 2, paragraph "c", subparagraph (1),
20 subparagraph division (d), has occurred, if such fees
21 and costs are not otherwise provided under section
22 6B.33.
23 Sec. 60. NEW SECTION. 6B.56B Disposition of
24 condemned property — two-year time period.
25 1. When two years have elapsed since property
26 was condemned for the creation of a lake according
27 to the requirements of section 6A.22, subsection 2,
28 paragraph "c", subparagraph (1), and the property has
29 not been used for or construction has not progressed
30 substantially from the date the property was condemned
31 for the purpose stated in the application filed
32 pursuant to section 6B.3, and the acquiring agency has
33 not taken action to dispose of the property pursuant
34 to section 6B.56, the acquiring agency shall, within
35 sixty days, adopt a resolution offering the property
36 for sale to the prior owner at a price as provided in
37 section 6B.56. If the resolution adopted approves an
38 offer of sale to the prior owner, the offer shall be
39 made in writing and mailed by certified mail to the
40 prior owner. The prior owner has one hundred eighty
41 days after the offer is mailed to purchase the property
42 from the acquiring agency.
43 2. If the acquiring agency has not adopted a
44 resolution described in subsection 1 within the
45 sixty-day time period, the prior owner may, in writing,
46 petition the acquiring agency to offer the property
47 for sale to the prior owner at a price as provided in
48 section 6B.56. Within sixty days after receipt of
49 such a petition, the acquiring agency shall adopt a
50 resolution described in subsection 1. If the acquiring

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1 agency does not adopt such a resolution within sixty
2 days after receipt of the petition, the acquiring
3 agency is deemed to have offered the property for sale
4 to the prior owner.

5 3. The acquiring agency shall give written notice
6 to the owner of the right to purchase the property
7 under this section at the time damages are paid to the
8 owner.

9 Sec. 61. Section 403.7, subsection 1, unnumbered
10 paragraph 1, Code 2013, is amended to read as follows:
11 A municipality shall have the right to acquire by
12 condemnation any interest in real property, including a
13 fee simple title thereto, which it may deem necessary
14 for or in connection with an urban renewal project
15 under this chapter, subject to the limitations on
16 eminent domain authority in ~~chapter~~ chapters 6A and 6B.
17 However, a municipality shall not condemn agricultural
18 land included within an economic development area
19 for any use unless the owner of the agricultural land
20 consents to condemnation or unless the municipality
21 determines that the land is necessary or useful for any
22 of the following:

23 Sec. 62. NEW SECTION. 423B.11 Use of revenues —
24 limitation.

25 The revenue raised by a local sales and services
26 tax imposed under this chapter by a county shall not
27 be expended for any purpose related to a project that
28 includes the condemnation of private property for
29 the creation of a lake according to the requirements
30 of section 6A.22, subsection 2, paragraph "c",
31 subparagraph (1), if the local sales and services tax
32 has not been approved at election in the area where the
33 property to be condemned is located.

34 Sec. 63. Section 455A.5, Code 2013, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 7. The authority granted to the
37 commission to acquire real property for purposes
38 of carrying out a duty related to development or
39 maintenance of the recreation resources of the state,
40 including planning, acquisition, and development of
41 recreational projects, and areas and facilities related
42 to such projects, shall not include the authority to
43 acquire real property by eminent domain.

44 Sec. 64. Section 456A.24, subsection 2, unnumbered
45 paragraph 1, Code 2013, is amended to read as follows:

46 Acquire by purchase, ~~condemnation~~, lease, agreement,
47 gift, and devise lands or waters suitable for the
48 purposes hereinafter enumerated, and rights-of-way
49 thereto, and to maintain the same for the following
50 purposes, ~~to wit~~:

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1 Sec. 65. Section 456A.24, Code 2013, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 15. The authority granted the
4 department to acquire real property for any statutory
5 purpose relating to the development or maintenance
6 of the recreation resources of the state, including
7 planning, acquisition, and development of recreational
8 projects, and areas and facilities related to such
9 projects, shall not include the authority to acquire
10 real property by eminent domain.

11 Sec. 66. Section 461A.7, Code 2013, is amended to
12 read as follows:

13 461A.7 Eminent domain Purchase of lands — public
14 parks.

15 The commission may purchase or condemn lands from
16 willing sellers for public parks. No A contract for
17 the purchase of such public parks shall not be made to
18 an amount in excess of funds appropriated therefor by
19 the general assembly.

20 Sec. 67. Section 461A.10, Code 2013, is amended to
21 read as follows:

22 461A.10 Title to lands.

23 The title to all lands purchased, condemned, or
24 donated, hereunder, for park or highway purposes and
25 the title to all lands purchased, condemned, or donated
26 hereunder for highway purposes, shall be taken in the
27 name of the state and if thereafter it shall be deemed
28 advisable to sell any portion of the land so purchased
29 or condemned, the proceeds of such sale shall be placed
30 to the credit of the said public state parks fund to be
31 used for such park purposes.

32 Sec. 68. Section 463C.8, subsection 1, paragraph k,
33 Code 2013, is amended to read as follows:

34 k. The power to acquire, own, hold, administer,
35 and dispose of property, except that such power is not
36 a grant of authority to acquire property by eminent
37 domain.

38 Sec. 69. REPEAL. Sections 461A.9 and 461A.75, Code
39 2013, are repealed.

40 Sec. 70. SEVERABILITY. If any provision of this
41 Act is held invalid, the invalidity shall not affect
42 other provisions or applications of this Act which can
43 be given effect without the invalid provision, and to
44 this end the provisions of this Act are severable as
45 provided in section 4.12.

46 Sec. 71. EFFECTIVE UPON ENACTMENT. This division
47 of this Act, being deemed of immediate importance,
48 takes effect upon enactment.

49 Sec. 72. APPLICABILITY. Except as otherwise
50 provided in this division of this Act, this division



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1 of this Act applies to projects or condemnation
2 proceedings pending or commenced on or after the
3 effective date of this Act.

4 Sec. 73. RETROACTIVE APPLICABILITY.

5 Notwithstanding any provision of law to the contrary,
6 the following provision or provisions of this division
7 of this Act apply retroactively to projects or
8 condemnation proceedings pending or commenced on or
9 after February 15, 2013:

10 1. The section amending section 6A.22.

11 2. The section enacting section 6B.56B.

12 DIVISION V

13 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

14 Sec. 74. Section 312.3, subsection 2, Code 2013, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. For purposes of apportioning
17 among the cities of the state the percentage of
18 the road use tax fund to be credited to the street
19 construction fund of the cities for each month
20 beginning April 2011 and ending March 2021 pursuant to
21 this subsection, the population of each city shall be
22 determined by the greater of the population of the city
23 as of the last preceding certified federal census or
24 as of the April 1, 2010, population estimates base as
25 determined by the United States census bureau.

26 Sec. 75. STREET CONSTRUCTION FUND — APPROPRIATION.

27 1. In a written application to the treasurer of
28 state submitted by October 1, 2013, a city may request
29 an additional distribution of moneys to be credited
30 to the street construction fund of the city equal to
31 that additional amount, calculated by the treasurer,
32 that the city would have received if the funds were
33 apportioned based upon the population of the city as
34 determined by section 312.3, subsection 2, paragraph
35 "d", as enacted in this division of this Act, for the
36 months prior to the effective date of this division of
37 this Act.

38 2. Upon determination by the treasurer of state
39 that an additional amount should be credited to a city
40 as provided by this section, there is appropriated from
41 the general fund of the state to the department of
42 transportation, for the fiscal year beginning July 1,
43 2013, and ending June 30, 2014, an amount sufficient to
44 pay the additional amount which shall be distributed to
45 the city for deposit in the street construction fund
46 of the city.

47 Sec. 76. EFFECTIVE UPON ENACTMENT. This division
48 of this Act, being deemed of immediate importance,
49 takes effect upon enactment.

50 Sec. 77. RETROACTIVE APPLICABILITY. This division

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1 of this Act applies retroactively to April 2011.

2 DIVISION VI

3 INSURANCE PRODUCERS

4 Sec. 78. Section 522B.1, Code 2013, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 7A. "*Intended beneficiary*" means
7 a person who is not listed as a beneficiary of an
8 insurance policy or contract in the records of the
9 insurer.

10 NEW SUBSECTION. 12A. "*Policy owner*" means the
11 person who is identified as the legal owner of an
12 insurance policy or contract under the terms of the
13 insurance policy or contract, or who is otherwise
14 vested with legal title to the insurance policy or
15 contract through a valid assignment completed in
16 accordance with the terms of the insurance policy or
17 contract and is properly recorded as the legal owner of
18 the policy or contract in the records of the insurer.
19 "*Policy owner*" does not include a person who has a mere
20 beneficial interest in an insurance policy or contract.

21 Sec. 79. Section 522B.11, subsection 7, Code 2013,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 7. a. Unless otherwise specified in this chapter,
25 the duties and responsibilities of an insurance
26 producer are limited to using reasonable care,
27 diligence, and judgment in procuring the insurance
28 requested of the insurance producer by the policy
29 owner.

30 b. An insurance producer has no duty to change the
31 beneficiary of an insurance policy or contract unless
32 clear written evidence of the policy owner's intent
33 to name an intended beneficiary as a beneficiary of
34 the policy or contract is presented to the insurance
35 producer or insurer in the manner required by the
36 policy or contract, prior to the payment of any
37 insurance benefits under the policy or contract. Such
38 evidence shall be provided in the same manner as a
39 claim for benefits under the policy or contract.

40 c. An insurance producer is not in the business
41 of supplying information to others and has no duty
42 to provide advice or information unless the insurance
43 producer holds oneself out as an insurance specialist,
44 consultant, or counselor and receives compensation for
45 consultation and advice apart from commissions paid by
46 an insurer.

47 d. An insurance producer may agree to accept
48 additional duties and responsibilities not specified in
49 this chapter. Any agreement by an insurance producer
50 to accept such additional duties and responsibilities

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1 shall be in writing and signed by the insurance
2 producer and the policy owner.

3 e. The general assembly declares that the holdings
4 of *Langwith v. Am. Nat'l Gen. Ins. Co.*, 793 N.W.2d
5 215 (Iowa 2010) and *Pitts v. Farm Bureau Life Ins.*
6 *Co.*, 818 N.W.2d 91 (Iowa 2012) are abrogated to the
7 extent that they impose higher or greater duties and
8 responsibilities on insurance producers than those set
9 forth in this subsection.

10 DIVISION VII

11 PROTEST AND APPEAL OF PROPERTY ASSESSMENTS

12 Sec. 80. Section 421.1A, subsection 6, Code 2013,
13 is amended to read as follows:

14 6. The members of the property assessment appeal
15 board shall receive compensation from the state
16 commensurate with the salary of a district judge
17 ~~through December 31, 2013.~~ The members of the board
18 shall be considered state employees for purposes of
19 salary and benefits. The members of the board and
20 any employees of the board, when required to travel
21 in the discharge of official duties, shall be paid
22 their actual and necessary expenses incurred in the
23 performance of duties.

24 Sec. 81. Section 421.1A, subsection 7, Code 2013,
25 is amended by striking the subsection.

26 Sec. 82. Section 441.21, subsection 3, Code 2013,
27 is amended to read as follows:

28 3. a. *"Actual value"*, *"taxable value"*, or *"assessed*
29 *value"* as used in other sections of the Code in
30 relation to assessment of property for taxation shall
31 mean the valuations as determined by this section;
32 however, other provisions of the Code providing special
33 methods or formulas for assessing or valuing specified
34 property shall remain in effect, but this section
35 shall be applicable to the extent consistent with such
36 provisions. The assessor and department of revenue
37 shall disclose at the written request of the taxpayer
38 all information in any formula or method used to
39 determine the actual value of the taxpayer's property.

40 b. The burden of proof shall be upon any
41 complainant attacking such valuation as excessive,
42 inadequate, inequitable, or capricious; however, in
43 protest or appeal proceedings when the complainant
44 offers competent evidence by at least two disinterested
45 witnesses that the market value of the property is less
46 than the market value determined by the assessor, the
47 burden of proof thereafter shall be upon the officials
48 or persons seeking to uphold such valuation to be
49 assessed.

50 Sec. 83. Section 441.35, subsection 2, Code 2013,

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1 is amended to read as follows:

2 2. In any year after the year in which an
3 assessment has been made of all of the real estate
4 in any taxing district, the board of review shall
5 meet as provided in section 441.33, and where the
6 board finds the same has changed in value, the board
7 shall revalue and reassess any part or all of the
8 real estate contained in such taxing district, and
9 in such case, the board shall determine the actual
10 value as of January 1 of the year of the revaluation
11 and reassessment and compute the taxable value
12 thereof. ~~Any aggrieved taxpayer may petition for~~
13 ~~a revaluation of the taxpayer's property, but no~~
14 ~~reduction or increase shall be made for prior years.~~
15 If the assessment of any such property is raised, or
16 any property is added to the tax list by the board,
17 the clerk shall give notice in the manner provided in
18 section 441.36. However, if the assessment of all
19 property in any taxing district is raised, the board
20 may instruct the clerk to give immediate notice by one
21 publication in one of the official newspapers located
22 in the taxing district, and such published notice
23 shall take the place of the mailed notice provided for
24 in section 441.36, but all other provisions of that
25 section shall apply. The decision of the board as to
26 the foregoing matters shall be subject to appeal to the
27 property assessment appeal board within the same time
28 and in the same manner as provided in section 441.37A
29 and to the district court within the same time and in
30 the same manner as provided in section 441.38.

31 Sec. 84. Section 441.37, subsection 1, paragraphs a
32 and b, Code 2013, are amended to read as follows:

33 a. Any property owner or aggrieved taxpayer who is
34 dissatisfied with the owner's or taxpayer's assessment
35 may file a protest against such assessment with the
36 board of review on or after April 16, to and including
37 May 5, of the year of the assessment. In any county
38 which has been declared to be a disaster area by proper
39 federal authorities after March 1 and prior to May 20
40 of said year of assessment, the board of review shall
41 be authorized to remain in session until June 15 and
42 the time for filing a protest shall be extended to and
43 include the period from May 25 to June 5 of such year.
44 ~~Said~~ The protest shall be in writing and signed by the
45 one protesting or by the protester's duly authorized
46 agent. The taxpayer may have an oral hearing ~~thereon~~
47 on the protest if request therefor for the oral hearing
48 is made in writing is made at the time of filing the
49 protest. ~~Said~~ The protest must be confined to one or
50 more of the following grounds:

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1 (1) For odd-numbered assessment years and for
2 even-numbered assessment years for property that was
3 reassessed in such even-numbered assessment year:
4 (a) That said assessment is not equitable as
5 compared with assessments of other like property in
6 the taxing district assessing jurisdiction. When this
7 ground is relied upon as the basis of a protest the
8 legal description and assessments of a representative
9 number of comparable properties, as described by the
10 aggrieved taxpayer shall be listed on the protest,
11 otherwise said protest shall not be considered on this
12 ground consideration shall be given to whether the
13 other like property in the assessing jurisdiction was
14 appraised using a different appraisal methodology than
15 the methodology used to appraise the property that is
16 the subject of the protest.
17 ~~(2)~~ (b) That the property is assessed for more
18 than the value authorized by law, stating. When
19 this ground is relied upon, the specific amount which
20 the protesting party believes the property to be
21 overassessed, and the amount which the party considers
22 to be its actual value and the amount the party
23 considers a fair assessment shall be stated.
24 ~~(3)~~ (c) That the property is not assessable, is
25 exempt from taxes, or is misclassified and stating the
26 reasons for the protest.
27 ~~(4)~~ (d) That there is an error in the assessment
28 and state the specific alleged error. When this ground
29 is relied upon, it may include but is not limited to
30 listing errors, clerical or mathematical errors, or
31 other errors that result in an error in the assessment.
32 ~~(5)~~ (e) That there is fraud in the assessment
33 which shall be specifically stated.
34 (2) For even-numbered assessment years, when the
35 property has not been reassessed in such even-numbered
36 assessment year, that there has been a decrease in the
37 value of the property from the previous reassessment
38 year. When this ground is relied upon, the decrease in
39 value shall be shown by comparing the market value of
40 the property as of January 1 of the current assessment
41 year and the actual value of the property for the
42 previous reassessment year. Such protest shall be
43 in the same manner as described in this section and
44 shall be reviewed by the local board of review pursuant
45 to section 441.35, subsection 2, but no reduction or
46 increase shall be made for prior years.
47 b. In addition to the above, the property owner
48 may protest annually to the board of review under
49 the provisions of section 441.35, but such protest
50 shall be in the same manner and upon the same terms as

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1 ~~heretofore prescribed in this section. The burden of~~
2 ~~proof for all protests filed under this section shall~~
3 ~~be as stated in section 441.21, subsection 3, paragraph~~
4 ~~"b".~~
5 Sec. 85. Section 441.37A, subsection 1, paragraph
6 b, Code 2013, is amended to read as follows:
7 b. For an appeal to the property assessment appeal
8 board to be valid, written notice must be filed by
9 the party appealing the decision with the secretary
10 of the property assessment appeal board within twenty
11 days after ~~the date the board of review's letter of~~
12 ~~disposition of the appeal is postmarked to the party~~
13 ~~making the protest adjournment of the local board of~~
14 ~~review or May 31, whichever is later. The written~~
15 ~~notice of appeal shall include a petition setting forth~~
16 ~~the basis of the appeal and the relief sought. No new~~
17 ~~grounds in addition to those set out in the protest~~
18 ~~to the local board of review as provided in section~~
19 ~~441.37 can be pleaded, but additional evidence to~~
20 ~~sustain those grounds may be introduced. The assessor~~
21 ~~shall have the same right to appeal to the assessment~~
22 ~~appeal board as an individual taxpayer, public body, or~~
23 ~~other public officer as provided in section 441.42. An~~
24 ~~appeal to the board is a contested case under chapter~~
25 ~~17A.~~
26 Sec. 86. Section 441.37A, subsection 2, paragraph
27 a, Code 2013, is amended to read as follows:
28 a. A party to the appeal may request a hearing or
29 the appeal may proceed without a hearing. If a hearing
30 is requested, the appellant and the local board of
31 review from which the appeal is taken shall be given
32 at least thirty days' written notice by the property
33 assessment appeal board of the date the appeal shall be
34 heard and the local board of review may be present and
35 participate at such hearing. Notice to all affected
36 taxing districts shall be deemed to have been given
37 when written notice is provided to the local board of
38 review. The requirement of thirty days' written notice
39 may be waived by mutual agreement of all parties to
40 the appeal. Failure by the appellant to appear at
41 the property assessment appeal board hearing shall be
42 grounds for result in dismissal of the appeal unless a
43 continuance is granted to the appellant by the board
44 following a showing of good cause for the appellant's
45 failure to appear. If an appeal is dismissed for
46 failure to appear, the property assessment appeal board
47 shall have no jurisdiction to consider any subsequent
48 appeal on the appellant's protest.
49 Sec. 87. Section 441.37A, subsection 3, paragraph
50 a, Code 2013, is amended to read as follows:

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1 a. The board member considering the appeal shall
2 determine anew all questions arising before the local
3 board of review which relate to the liability of
4 the property to assessment or the amount thereof.
5 All of the evidence shall be considered and there
6 shall be no presumption as to the correctness of the
7 valuation of assessment appealed from. The burden
8 of proof for all appeals before the board shall be
9 as stated in section 441.21, subsection 3, paragraph
10 "b". The property assessment appeal board shall make a
11 decision in each appeal filed with the board. If the
12 appeal is considered by less than a majority of the
13 board, the determination made by that member shall be
14 forwarded to the full board for approval, rejection, or
15 modification. If the initial determination is rejected
16 by the board, it shall be returned for reconsideration
17 to the board member making the initial determination.
18 Any deliberation of the board regarding an initial
19 determination shall be confidential.

20 Sec. 88. REPEAL. 2005 Iowa Acts, chapter 150,
21 section 134, is repealed.

22 Sec. 89. EFFECTIVE UPON ENACTMENT. This division
23 of this Act, being deemed of immediate importance,
24 takes effect upon enactment.

25 Sec. 90. APPLICABILITY. The following provisions
26 of this division of this Act apply to assessment years
27 beginning on or after January 1, 2014:

28 1. The section amending section 441.37.
29 2. The section amending section 441.35.

30 DIVISION VIII

31 GENERAL AND SPECIAL EDUCATION

32 Sec. 91. GENERAL AND SPECIAL EDUCATION COSTS —
33 LEGISLATIVE STUDY.

34 1. For purposes of this section, "private agency"
35 means a residential facility licensed under chapter
36 135H or 237. "Private agency" does not include an
37 institution listed in section 218.1.

38 2. The legislative council is requested to
39 establish an interim study committee during the 2013
40 interim to examine the payment of general education
41 and special education costs associated with student
42 services provided by private agencies and whether
43 the planning for and costs of such services would be
44 more appropriately administered by the department of
45 education or the department of human services. The
46 study committee shall consist of legislator members of
47 both political parties from both houses of the general
48 assembly and representatives of the office of the
49 governor, the department of education, the department
50 of human services, and private agencies.

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1 DIVISION IX
2 ALL-TERRAIN VEHICLES
3 Sec. 92. Section 321.1, subsection 32, Code 2013,
4 is amended to read as follows:
5 32. *"Implement of husbandry"* means a vehicle or
6 special mobile equipment manufactured, designed, or
7 reconstructed for agricultural purposes and, except
8 for incidental uses, exclusively used in the conduct
9 of agricultural operations. *"Implements of husbandry"*
10 includes all-terrain vehicles operated in compliance
11 with section 321.234A, subsection 1, paragraph "a", but
12 not registered for operation upon a highway pursuant
13 to section 321.118, fence-line feeders, and vehicles
14 used exclusively for the application of organic or
15 inorganic plant food materials, organic agricultural
16 limestone, or agricultural chemicals. To be considered
17 an implement of husbandry, a self-propelled implement
18 of husbandry must be operated at speeds of thirty-five
19 miles per hour or less.
20 *a. "Reconstructed"* as used in this subsection means
21 materially altered from the original construction by
22 the removal, addition, or substitution of essential
23 parts, new or used.
24 *b.* A vehicle covered under this subsection, if
25 it otherwise qualifies, may be operated as special
26 mobile equipment and under such circumstances this
27 subsection shall not be applicable to such vehicle,
28 and such vehicle shall not be required to comply with
29 sections 321.384 through 321.423, when such vehicle is
30 moved during daylight hours; however, the provisions
31 of section 321.383 shall remain applicable to such
32 vehicle.
33 Sec. 93. Section 321.1, subsection 47A, Code 2013,
34 is amended to read as follows:
35 47A. *"Off-road utility vehicle"* means a motorized
36 flotation-tire vehicle with not less than four and not
37 more than eight low-pressure tires that is limited in
38 engine displacement to less than one thousand five
39 hundred cubic centimeters and in total dry weight
40 to not more than ~~one~~ two thousand ~~eight hundred~~
41 pounds and that has a seat that is of bucket or bench
42 design, not intended to be straddled by the operator,
43 and a steering wheel or control levers for control.
44 *"Off-road utility vehicle"* does not include dune
45 buggies, golf carts, go-carts, or minitrucks.
46 Sec. 94. Section 321.105A, subsection 2, paragraph
47 c, Code 2013, is amended by adding the following new
48 subparagraph:
49 NEW SUBPARAGRAPH. (31) An all-terrain vehicle
50 which is exempt from the sales tax pursuant to section

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1 423.3, subsection 8, or for which the applicant has
2 paid the sales tax in this state or has paid to another
3 state a state sales, use, or occupational tax.

4 Sec. 95. Section 321.109, subsection 1, paragraph
5 a, Code 2013, is amended to read as follows:

6 a. The annual fee for all motor vehicles including
7 vehicles designated by manufacturers as station wagons,
8 1993 and subsequent model year multipurpose vehicles,
9 and 2010 and subsequent model year motor trucks with
10 an unladen weight of ten thousand pounds or less,
11 except motor trucks registered under section 321.122,
12 business-trade trucks, special trucks, motor homes,
13 ambulances, hearses, all-terrain vehicles, motorcycles,
14 motorized bicycles, and 1992 and older model year
15 multipurpose vehicles, shall be equal to one percent
16 of the value as fixed by the department plus forty
17 cents for each one hundred pounds or fraction thereof
18 of weight of vehicle, as fixed by the department. The
19 weight of a motor vehicle, fixed by the department
20 for registration purposes, shall include the weight
21 of a battery, heater, bumpers, spare tire, and wheel.
22 Provided, however, that for any new vehicle purchased
23 in this state by a nonresident for removal to the
24 nonresident's state of residence the purchaser may make
25 application to the county treasurer in the county of
26 purchase for a transit plate for which a fee of ten
27 dollars shall be paid. And provided, however, that for
28 any used vehicle held by a registered dealer and not
29 currently registered in this state, or for any vehicle
30 held by an individual and currently registered in this
31 state, when purchased in this state by a nonresident
32 for removal to the nonresident's state of residence,
33 the purchaser may make application to the county
34 treasurer in the county of purchase for a transit
35 plate for which a fee of three dollars shall be paid.
36 The county treasurer shall issue a nontransferable
37 certificate of registration for which no refund shall
38 be allowed; and the transit plates shall be void thirty
39 days after issuance. Such purchaser may apply for a
40 certificate of title by surrendering the manufacturer's
41 or importer's certificate or certificate of title,
42 duly assigned as provided in this chapter. In this
43 event, the treasurer in the county of purchase shall,
44 when satisfied with the genuineness and regularity of
45 the application, and upon payment of a fee of twenty
46 dollars, issue a certificate of title in the name and
47 address of the nonresident purchaser delivering the
48 title to the owner. If there is a security interest
49 noted on the title, the county treasurer shall mail to
50 the secured party an acknowledgment of the notation

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1 of the security interest. The county treasurer shall
2 not release a security interest that has been noted on
3 a title issued to a nonresident purchaser as provided
4 in this paragraph. The application requirements of
5 section 321.20 apply to a title issued as provided
6 in this subsection, except that a natural person
7 who applies for a certificate of title shall provide
8 either the person's social security number, passport
9 number, or driver's license number, whether the license
10 was issued by this state, another state, or another
11 country. The provisions of this subsection relating to
12 multipurpose vehicles are effective for all 1993 and
13 subsequent model years. The annual registration fee
14 for multipurpose vehicles that are 1992 model years and
15 older shall be in accordance with section 321.124.

16 Sec. 96. NEW SECTION. 321.118 All-terrain
17 vehicles.

18 1. An all-terrain vehicle designed to travel
19 on four or more wheels may be registered under this
20 chapter for operation on secondary roads and on
21 city streets where authorized, as provided in this
22 chapter, for an annual fee of fifty dollars. However,
23 all-terrain vehicles registered under this section
24 are not subject to the titling provisions of this
25 chapter or to the manufacturer's label requirement
26 under section 321.30, subsection 2, paragraph "a".
27 Registration under this section is in addition to
28 the titling and registration requirements of chapter
29 321I. An applicant for registration of an all-terrain
30 vehicle under this section shall submit, along with the
31 application, a copy of the registration certificate
32 issued for the vehicle pursuant to section 321I.4
33 containing a description of the vehicle and identifying
34 the applicant as the owner of the vehicle.

35 2. This section shall not be construed to include
36 all-terrain vehicles within the meaning of the term
37 "*motor vehicle subject to registration*" or "*vehicle*
38 *subject to registration*" as that term applies to the
39 regulation of motor vehicle dealers, manufacturers, or
40 distributors or to the sale, rental, lease, transfer,
41 or disposition of motor vehicles.

42 Sec. 97. Section 321.166, subsection 1, paragraph
43 a, Code 2013, is amended to read as follows:

44 a. Registration plates shall be of metal and of a
45 size not to exceed six inches by twelve inches, except
46 that the size of plates issued for use on all-terrain
47 vehicles, motorized bicycles, motorcycles, motorcycle
48 trailers, and trailers with an empty weight of two
49 thousand pounds or less shall be established by the
50 department.

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1 Sec. 98. Section 321.166, subsection 4, Code 2013,
2 is amended to read as follows:
3 4. The registration plate number, except on
4 all-terrain vehicles, motorized bicycles, motorcycles,
5 motorcycle trailers, and trailers with an empty weight
6 of two thousand pounds or less, shall be of sufficient
7 size to be readable from a distance of one hundred feet
8 during daylight.
9 Sec. 99. Section 321.234A, subsection 1, paragraph
10 f, Code 2013, is amended by striking the paragraph.
11 Sec. 100. Section 321.234A, Code 2013, is amended
12 by adding the following new subsection:
13 **NEW SUBSECTION. 5.** The provisions of this section
14 do not apply to an all-terrain vehicle registered under
15 section 321.118 and operated on a highway in accordance
16 with section 321.234B.
17 Sec. 101. **NEW SECTION. 321.234B Registered**
18 **all-terrain vehicles — operation on highways.**
19 An all-terrain vehicle which is registered pursuant
20 to section 321.118 may be operated on a highway subject
21 to all of the following:
22 1. *Persons who may operate.* A person shall not
23 operate an all-terrain vehicle on a highway unless the
24 person is sixteen years of age or older and has a valid
25 driver's license other than a license valid only for
26 operation of a motorized bicycle.
27 2. *Operation on certain highways only.* All-terrain
28 vehicles registered under section 321.118 may be
29 operated on secondary roads, but shall not be operated
30 on primary highways or on highways within the corporate
31 limits of a city except as follows:
32 a. A person shall not operate an all-terrain
33 vehicle registered under section 321.118 on a primary
34 highway except to cross a primary highway; however, the
35 provisions of section 321.10 govern the crossing of a
36 primary highway when the all-terrain vehicle is being
37 operated on an all-terrain vehicle trail.
38 b. A person shall not operate an all-terrain
39 vehicle registered under section 321.118 on a highway
40 within the corporate limits of a city except on a
41 nonprimary highway where such operation is authorized
42 by ordinance pursuant to section 321.236, subsection
43 14A.
44 3. *Motor vehicle laws applicable.* The motor vehicle
45 laws, including but not limited to the provisions
46 of sections 321.20B, 321.285, 321.317, 321.385, and
47 321.387, apply to the operation of all-terrain vehicles
48 registered for operation on highways, except for those
49 provisions relating to required equipment which by
50 their nature can have no practical application.

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1 4. *Penalties.* A person convicted of a violation
2 of subsection 1 or 2 is guilty of a simple misdemeanor
3 punishable as a scheduled violation under section
4 805.8A, subsection 6.
5 Sec. 102. Section 321.236, Code 2013, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 14A. Authorizing the operation of
8 all-terrain vehicles registered under section 321.118
9 on highways under the jurisdiction of a city, other
10 than municipal extensions of primary highways.
11 Sec. 103. Section 321.285, Code 2013, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 6A. Notwithstanding any other
14 speed restrictions allowing for speed in excess of
15 forty-five miles per hour, a person shall not operate
16 an all-terrain vehicle on a highway at a speed in
17 excess of forty-five miles per hour.
18 Sec. 104. Section 321F.1, subsection 7, Code 2013,
19 is amended to read as follows:
20 7. "*Motor vehicle*" means every vehicle which is
21 self-propelled and subject to registration under the
22 laws of this state, other than an all-terrain vehicle
23 as defined in section 321.1.
24 Sec. 105. Section 321H.2, subsection 10, Code 2013,
25 is amended to read as follows:
26 10. "*Vehicle subject to registration*" means any
27 vehicle that is of a type required to be registered
28 under chapter 321 when operated on a public highway,
29 including but not limited to a vehicle that is
30 inoperable, salvage, or rebuilt, but not including an
31 all-terrain vehicle as defined in section 321.1.
32 Sec. 106. Section 321I.9, unnumbered paragraph 1,
33 Code 2013, is amended to read as follows:
34 Registration under this chapter shall not be
35 required for the following described all-terrain
36 vehicles:
37 Sec. 107. Section 321I.10, subsection 1, Code 2013,
38 is amended to read as follows:
39 1. A person shall not operate an all-terrain
40 vehicle or off-road utility vehicle upon roadways
41 or highways except as provided in ~~section~~ sections
42 321.234A and 321.234B and this section.
43 Sec. 108. Section 321I.10, subsections 2 and 3,
44 Code 2013, are amended by striking the subsections.
45 Sec. 109. Section 321I.31, subsection 1, Code 2013,
46 is amended to read as follows:
47 1. The owner of an all-terrain vehicle acquired on
48 or after January 1, 2000, other than an all-terrain
49 vehicle used exclusively as a farm implement or a
50 motorcycle previously issued a title pursuant to

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1 chapter 321, shall apply to the county recorder of the
2 county in which the owner resides for a certificate
3 of title for the all-terrain vehicle. The owner of
4 an all-terrain vehicle used exclusively as a farm
5 implement may obtain a certificate of title. A person
6 who owns an all-terrain vehicle that is not required to
7 have a certificate of title may apply for and receive
8 a certificate of title for the all-terrain vehicle
9 and, subsequently, the all-terrain vehicle shall be
10 subject to the requirements of this chapter as if
11 the all-terrain vehicle were required to be titled.
12 All all-terrain vehicles that are titled shall be
13 registered under this chapter.

14 Sec. 110. Section 322.2, subsections 13 and 23,
15 Code 2013, are amended to read as follows:

16 13. *"Motor vehicle"* means any self-propelled
17 vehicle subject to registration under chapter 321,
18 other than an all-terrain vehicle as defined in section
19 321.1.

20 23. *"Used motor vehicle"* or *"second-hand motor*
21 *vehicle"* means any motor vehicle of a type subject to
22 registration under the laws of this state, except an
23 all-terrain vehicle as defined in section 321.1, which
24 has been sold "at retail" as defined in this chapter
25 and previously registered in this or any other state.

26 Sec. 111. Section 322A.1, subsection 8, Code 2013,
27 is amended to read as follows:

28 8. *"Motor vehicle"* means a *"motor vehicles" vehicle"*
29 as defined in chapter 321 which are is subject to
30 registration pursuant to the provisions thereof, other
31 than an all-terrain vehicle as defined in section
32 321.1.

33 Sec. 112. Section 331.362, subsection 9, Code 2013,
34 is amended to read as follows:

35 9. A county may regulate traffic on and use of the
36 secondary roads, in accordance with sections 321.236
37 to 321.250, 321.254, 321.255, 321.285, subsection
38 4, sections 321.352, 321.471 to 321.473, and other
39 applicable provisions of chapter 321, and sections
40 321G.9, ~~321H.10,~~ and 327G.15.

41 Sec. 113. Section 423.1, subsection 66, Code 2013,
42 is amended to read as follows:

43 66. *"Vehicles subject to registration"* means any
44 vehicle subject to registration pursuant to section
45 321.18, other than an all-terrain vehicle or off-road
46 utility vehicle registered pursuant to section 321.118.

47 Sec. 114. Section 516E.1, subsection 6, Code 2013,
48 is amended to read as follows:

49 6. *"Motor vehicle"* means any self-propelled vehicle
50 subject to registration under chapter 321, other than



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1 an all-terrain vehicle as defined in section 321.1.
2 Sec. 115. Section 537B.2, subsection 2, Code 2013,
3 is amended to read as follows:
4 2. "Motor vehicle" means a motor vehicle as defined
5 in section 321.1 which is subject to registration.
6 However, "motor vehicle" does not include a motor
7 vehicle, as defined in section 321.1, with a gross
8 vehicle weight rating of more than twelve thousand
9 pounds, or an all-terrain vehicle as defined in section
10 321.1.
11 Sec. 116. Section 805.8A, subsection 6, Code 2013,
12 is amended by adding the following new paragraph:
13 NEW PARAGRAPH. 0a. Section 321.234B, subsection 1
14 or 2.....\$50.
15 DIVISION X
16 RULEMAKING PROCESS
17 Sec. 117. Section 17A.4, subsection 3, Code 2013,
18 is amended to read as follows:
19 3. ~~a. When an agency for good cause finds that~~
20 ~~notice and public participation would be unnecessary,~~
21 ~~impracticable, or contrary to the public interest When~~
22 ~~the statute so provides, or with the approval of the~~
23 ~~administrative rules review committee, if the committee~~
24 ~~finds good cause that notice and public participation~~
25 ~~would be unnecessary, impracticable, or contrary to the~~
26 ~~public interest, the provisions of subsection 1 shall~~
27 ~~be inapplicable. The agency shall incorporate in each~~
28 ~~rule issued in reliance upon this provision either the~~
29 ~~finding and a brief statement of the reasons for the~~
30 ~~finding, or a statement that the rule is within a very~~
31 ~~narrowly tailored category of rules whose issuance~~
32 ~~has previously been exempted from subsection 1 by a~~
33 ~~special rule relying on this provision and including~~
34 ~~such a finding and statement of reasons for the entire~~
35 ~~category.~~
36 b. (1) If the administrative rules review
37 committee by a two-thirds vote, the governor, or the
38 attorney general files with the administrative code
39 editor an objection to the adoption of any a rule or
40 portion of a rule pursuant to this subsection, that the
41 rule or portion of the rule shall cease to be effective
42 one hundred eighty days after the date the objection
43 was filed. A
44 (2) If the administrative rules review committee
45 files with the administrative code editor an objection
46 to the adoption of a rule or portion of a rule
47 pursuant to this subsection, the administrative rules
48 review committee, by a separate two-thirds vote, may
49 suspend the applicability of the rule or portion of
50 the rule until the rule ceases to be effective under

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1 this paragraph "b". The determination to suspend
2 the applicability of the rule or portion of the rule
3 shall be included in the copy of the objection to be
4 forwarded to the agency.
5 c. If an objection to a rule is filed under this
6 subsection, a copy of the objection, properly dated,
7 shall be forwarded to the agency at the time of filing
8 the objection. In any action contesting a rule or
9 portion of a rule adopted pursuant to this subsection,
10 the burden of proof shall be on the agency to show that
11 the procedures of subsection 1 were impracticable,
12 unnecessary, or contrary to the public interest and
13 that, if a category of rules was involved, the category
14 was very narrowly tailored.
15 Sec. 118. Section 17A.4, subsection 7, Code 2013,
16 is amended to read as follows:
17 7. a. Upon the vote of two-thirds of its members
18 the administrative rules review committee may delay the
19 effective date of a rule or portion of a rule seventy
20 days beyond that permitted in section 17A.5, unless the
21 rule was promulgated under section 17A.5, subsection 2,
22 paragraph "b". This provision shall be utilized by the
23 committee only if further time is necessary to study
24 and examine the rule. If the rule was promulgated
25 under section 17A.5, subsection 2, paragraph "b",
26 the administrative rules review committee, within
27 thirty-five days of the effective date of the rule and
28 upon the vote of two-thirds of its members, may suspend
29 the applicability of the rule or portion of the rule
30 for seventy days.
31 b. Notice of an effective date that was delayed
32 under this provision shall be published in the Iowa
33 administrative code and bulletin.
34 Sec. 119. Section 17A.4, Code 2013, is amended by
35 adding the following new subsection:
36 NEW SUBSECTION. 9. Upon the vote of two-thirds of
37 its members, the administrative rules review committee,
38 following notice of intended action as provided in
39 subsection 1 and prior to adoption of a rule pursuant
40 to that notice, may suspend further action relating to
41 that notice for seventy days. Notice of a notice of
42 intended action that was suspended under this provision
43 shall be published in the Iowa administrative code and
44 bulletin.
45 Sec. 120. Section 17A.8, subsection 9, Code 2013,
46 is amended to read as follows:
47 9. a. Upon a vote of two-thirds of its members,
48 the administrative rules review committee may delay the
49 effective date of a rule or portion of a rule until
50 the adjournment of the next regular session of the

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1 general assembly, unless the rule was promulgated under
2 section 17A.5, subsection 2, paragraph "b". If the
3 rule was promulgated under section 17A.5, subsection
4 2, paragraph "b", the administrative rules review
5 committee, within thirty-five days of the effective
6 date of the rule and upon the vote of two-thirds of its
7 members, may suspend the applicability of the rule or
8 portion of the rule until the adjournment of the next
9 regular session of the general assembly.
10 b. The committee shall refer a rule or portion
11 of a rule whose effective date has been delayed or
12 applicability has been suspended to the speaker of
13 the house of representatives and the president of the
14 senate who shall refer the delayed or suspended rule
15 or portion of the rule to the appropriate standing
16 committees of the general assembly. A standing
17 committee shall review a the rule within twenty-one
18 days after the rule is referred to the committee by
19 the speaker of the house of representatives or the
20 president of the senate and shall take formal committee
21 action by sponsoring a joint resolution to disapprove
22 the rule, by proposing legislation relating to the
23 rule, or by refusing to propose a joint resolution
24 or legislation concerning the rule. The standing
25 committee shall inform the administrative rules review
26 committee of the committee action taken concerning the
27 rule. If the general assembly has not disapproved of
28 the rule by a joint resolution, the rule shall become
29 effective. The speaker of the house of representatives
30 and the president of the senate shall notify the
31 administrative code editor of the final disposition
32 of each rule or portion of a rule whose effective
33 date has been delayed or whose applicability has been
34 suspended pursuant to this subsection. If a the
35 rule is disapproved, it the rule shall not become be
36 effective and the agency shall rescind the rule. This
37 section shall not apply to rules made effective under
38 section 17A.5, subsection 2, paragraph "b".
39 Sec. 121. Section 17A.23, Code 2013, is amended to
40 read as follows:
41 17A.23 Construction — delegation of authority.
42 1. Except as expressly provided otherwise by this
43 chapter or by another statute referring to this chapter
44 by name, the rights created and the requirements
45 imposed by this chapter shall be in addition to those
46 created or imposed by every other statute in existence
47 on July 1, 1975, or enacted after that date. If any
48 other statute in existence on July 1, 1975, or enacted
49 after that date diminishes a right conferred upon a
50 person by this chapter or diminishes a requirement

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1 imposed upon an agency by this chapter, this chapter
2 shall take precedence unless the other statute
3 expressly provides that it shall take precedence over
4 all or some specified portion of this ~~named~~ cited
5 chapter.

6 2. This chapter shall be construed broadly to
7 effectuate its purposes. This chapter shall also
8 be construed to apply to all agencies not expressly
9 exempted by this chapter or by another statute
10 specifically referring to this chapter by ~~name~~
11 citation; and except as to proceedings in process on
12 July 1, 1975, this chapter shall be construed to apply
13 to all covered agency proceedings and all agency action
14 not expressly exempted by this chapter or by another
15 statute specifically referring to this chapter by ~~name~~
16 citation.

17 3. An agency shall have only that authority or
18 discretion delegated to or conferred upon the agency by
19 law and shall not expand or enlarge its authority or
20 discretion beyond the powers delegated to or conferred
21 upon the agency. Unless otherwise specifically
22 provided in statute, a grant of rulemaking authority
23 shall be construed narrowly.

24 DIVISION XI
25 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH
26 INSURANCE PREMIUMS

27 Sec. 122. Section 2.40, subsection 1, paragraph
28 a, subparagraph (2), Code 2013, is amended to read as
29 follows:

30 (2) The member shall pay the premium for the
31 plan selected on the same basis as a full-time state
32 employee excluded from collective bargaining as
33 provided in chapter 20. However, the member shall pay
34 a portion of the total premium for the plan selected
35 in an amount as determined by the legislative council.
36 The payment amount as determined by the legislative
37 council shall be at least twenty percent of the total
38 premium for the single or family coverage provided
39 in connection with the member and shall include a
40 wellness credit to be applied to the member portion
41 of the premium. The payment amount determined by the
42 legislative council shall apply to employees of the
43 general assembly.

44 Sec. 123. NEW SECTION. 8A.440 Group health
45 insurance premium costs.

46 1. Collective bargaining agreements entered into
47 pursuant to chapter 20 for state employees shall
48 provide that a state employee covered by that agreement
49 who is a member of a state group health insurance plan
50 for employees of the state established under chapter

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1 509A shall pay at least twenty percent of the total
2 premium for the single or family coverage provided in
3 connection with each employee. The agreements shall
4 include a wellness credit to be applied to the member
5 portion of the premium.
6 2. A state employee not covered by a collective
7 bargaining agreement as provided in chapter 20 who is
8 a member of a state group health insurance plan for
9 employees of the state established under chapter 509A
10 shall pay the same percentage of the total premium
11 for such insurance as is paid under the collective
12 bargaining agreement that covers the greatest number
13 of state employees in the state government entity
14 employing the state employee and shall be provided a
15 wellness credit option.
16 Sec. 124. STATEWIDE ELECTED OFFICIALS — GROUP
17 HEALTH INSURANCE PREMIUM COSTS. A statewide elected
18 official who is a member of a state group insurance
19 plan for employees of the state established under
20 chapter 509A shall pay a portion of the total premium
21 for the plan selected in an amount as determined by the
22 executive council. The payment amount as determined
23 by the executive council shall be at least 20 percent
24 of the total premium for the single or family coverage
25 provided in connection with the elected official and
26 shall include a wellness credit to be applied to the
27 member portion of the premium.
28 Sec. 125. GROUP HEALTH INSURANCE PREMIUMS FOR STATE
29 EMPLOYEES.
30 1. a. This subsection does not apply to members
31 of the general assembly or elected officials who are
32 subject to the provisions of this division of this
33 Act amending section 2.40 or requiring statewide
34 elected officials to pay a portion of health insurance
35 premiums.
36 b. For the fiscal year beginning July 1, 2013, each
37 state employee who is a member of a state group health
38 insurance plan for state employees established under
39 chapter 509A shall pay at least 20 percent of the total
40 premium for the single or family coverage provided
41 in connection with the employee's membership in the
42 insurance plan.
43 c. For the fiscal year beginning July 1, 2013,
44 each person who is a member of a state group health
45 insurance plan for employees of the state board of
46 regents and the institutions under the control of the
47 state board shall pay at least 20 percent of the total
48 premium for the single or family coverage provided
49 in connection with the person's membership in the
50 insurance plan.

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1 d. For the fiscal year beginning July 1, 2013, each
2 judicial officer or employee of the judicial branch who
3 is a member of a state group health insurance plan for
4 state employees established under chapter 509A shall
5 pay at least 20 percent of the total premium for the
6 single or family coverage provided in connection with
7 the judicial officer or employee's membership in the
8 insurance plan.

9 e. The requirements in this subsection shall be
10 enforceable against all applicable employees for the
11 fiscal year beginning July 1, 2013, notwithstanding
12 any provision of chapter 20 to the contrary, and
13 shall remain applicable to each such state employee
14 and person in fiscal years succeeding the fiscal year
15 specified in this subsection until the requirement
16 implemented pursuant to section 8A.440 is applicable
17 to the employee or person.

18 f. The requirements in this subsection shall
19 include a wellness credit to be applied to the member
20 portion of the premium.

21 2. a. For the fiscal year beginning July 1, 2013,
22 the portion of the payments made pursuant to subsection
23 1 attributed to increases in payments as a result of
24 the percentage requirement implemented pursuant to
25 subsection 1 shall be transferred to the judicial
26 branch or the state agency charged for the state group
27 health insurance plan premiums of the judicial officer,
28 employee, or person who made the payment and shall
29 apply in lieu of a like amount from the appropriations
30 made to the judicial branch or the state agency for the
31 fiscal year.

32 b. The moneys paid by members or employees of
33 the general assembly pursuant to section 2.40, as
34 amended by this division of this Act, for the fiscal
35 year beginning July 1, 2013, are appropriated to the
36 general assembly in lieu of a like amount from the
37 appropriations made to the general assembly pursuant to
38 section 2.12, for the fiscal year.

39 c. The moneys paid by statewide elected officials
40 pursuant to the section of this division of this Act
41 requiring the officials to pay a portion of the health
42 insurance premium costs for the coverage provided to
43 the officials, for the fiscal year beginning July 1,
44 2012, are appropriated to the state agency charged for
45 the state group health insurance plan premiums of the
46 official who made the payment in lieu of a like amount
47 from the appropriations made to the state agency for
48 the fiscal year.

49 3. The department of management, with the
50 assistance of the department of administrative

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1 services, state board of regents, the state fair
2 board, the state department of transportation, and each
3 judicial district department of correctional services,
4 shall submit a quarterly report to the general assembly
5 and the legislative services agency during the fiscal
6 year beginning July 1, 2013, regarding the reductions
7 to appropriations made pursuant to subsection 2 during
8 the quarter.

9 Sec. 126. APPLICABILITY. The section of this
10 division of this Act enacting section 8A.440, applies
11 to collective bargaining agreements entered into on
12 or after the effective date of that section of this
13 division of this Act.

14 Sec. 127. EFFECTIVE UPON ENACTMENT. The following
15 sections of this division of this Act, being deemed of
16 immediate importance, take effect upon enactment:

17 1. The section of this Act enacting section 8A.440.

18 2. The section of this Act relating to group health
19 insurance premiums for state employees.

20 DIVISION XII

21 SPEED DETECTION JAMMING DEVICES

22 Sec. 128. Section 321.232, Code 2013, is amended to
23 read as follows:

24 321.232 Radar Speed detection jamming devices —
25 penalty.

26 1. A person shall not sell, operate, or possess
27 a ~~radar~~ speed detection jamming device, except as
28 otherwise provided in this section, when the device is
29 in a vehicle operated on the highways of this state or
30 the device is held for sale in this state.

31 2. This section does not apply to ~~radar~~ speed
32 measuring devices purchased by, held for purchase for,
33 or operated by peace officers using the devices in
34 performance of their official duties.

35 3. A ~~radar~~ speed detection jamming device sold,
36 operated, or possessed in violation of subsection 1
37 may be seized by a peace officer and is subject to
38 forfeiture as provided by chapter 809 or 809A.

39 4. For the purposes of this section "~~radar jamming~~
40 ~~device~~":

41 a. "Speed detection jamming device" means any
42 mechanism designed or used to transmit radio waves in
43 the electromagnetic wave spectrum to interfere with the
44 reception of those emitted from a device used by peace
45 officers of this state to measure the speed of motor
46 vehicles on the highways of this state and which is not
47 designed for two-way transmission and cannot transmit
48 in plain language active or passive device, instrument,
49 mechanism, or equipment that is designed or intended
50 to interfere with, disrupt, or scramble the radar or



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1 laser that is used by a peace officer to measure the
2 speed of motor vehicles. "Speed detection jamming
3 device" does not include equipment that is legal under
4 federal communications commission regulations, such as
5 a citizens' band radio, a ham radio, or other similar
6 electronic equipment.
7 b. "Speed measuring device" includes but is not
8 limited to devices commonly known as radar speed meters
9 or laser speed meters.

10 Sec. 129. Section 805.8A, subsection 14, paragraph
11 g, Code 2013, is amended to read as follows:

12 g. ~~Radar-jamming~~ Speed detection jamming
13 devices. For a violation under section 321.232, the
14 scheduled fine is one hundred dollars.

15 DIVISION XIII

16 FIREARMS

17 Sec. 130. Section 724.23, Code 2013, is amended to
18 read as follows:

19 **724.23 Records kept by commissioner and issuing**
20 **officers.**

21 1. The commissioner of public safety shall maintain
22 a permanent record of all valid permits to carry
23 weapons and of current permit revocations.

24 2. a. Notwithstanding any other law or rule to
25 the contrary, the commissioner of public safety and
26 any issuing officer shall keep confidential personally
27 identifiable information of holders of nonprofessional
28 permits to carry weapons and permits to acquire pistols
29 or revolvers, including but not limited to the name,
30 social security number, date of birth, residential
31 or business address, and driver's license or other
32 identification number of the applicant or permit
33 holder.

34 b. This subsection shall not prohibit the
35 release of statistical information relating to the
36 issuance, denial, revocation, or administration of
37 nonprofessional permits to carry weapons and permits to
38 acquire pistols or revolvers, provided that the release
39 of such information does not reveal the identity of any
40 individual permit holder.

41 c. This subsection shall not prohibit the release
42 of information to any law enforcement agency or any
43 employee or agent thereof when necessary for the
44 purpose of investigating a possible violation of law
45 or for conducting a lawfully authorized background
46 investigation.

47 d. Except as provided in paragraphs "b" and "c",
48 the release of any confidential information under this
49 section shall require a court order or the consent of
50 the person whose personally identifiable information is

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1 the subject of the information request.
2 Sec. 131. NEW SECTION. 724.29A **Fraudulent purchase**
3 **of firearms or ammunition.**
4 1. For purposes of this section:
5 a. "*Ammunition*" means any cartridge, shell, or
6 projectile designed for use in a firearm.
7 b. "*Licensed firearms dealer*" means a person who is
8 licensed pursuant to 18 U.S.C. § 923 to engage in the
9 business of dealing in firearms.
10 c. "*Materially false information*" means information
11 that portrays an illegal transaction as legal or a
12 legal transaction as illegal.
13 d. "*Private seller*" means a person who sells or
14 offers for sale any firearm or ammunition.
15 2. A person who knowingly solicits, persuades,
16 encourages, or entices a licensed firearms dealer or
17 private seller of firearms or ammunition to transfer
18 a firearm or ammunition under circumstances that the
19 person knows would violate the laws of this state or of
20 the United States commits a class "D" felony.
21 3. A person who knowingly provides materially
22 false information to a licensed firearms dealer or
23 private seller of firearms or ammunition with the
24 intent to deceive the firearms dealer or seller about
25 the legality of a transfer of a firearm or ammunition
26 commits a class "D" felony.
27 4. Any person who willfully procures another to
28 engage in conduct prohibited by this section shall be
29 held accountable as a principal.
30 5. This section shall not apply to a law
31 enforcement officer acting in the officer's official
32 capacity or to a person acting at the direction of such
33 law enforcement officer.
34 Sec. 132. **EFFECTIVE UPON ENACTMENT.** This division
35 of this Act, being deemed of immediate importance,
36 takes effect upon enactment.
37 Sec. 133. **APPLICABILITY.** The section of this
38 division of this Act amending section 724.23 applies
39 to holders of nonprofessional permits to carry weapons
40 and permits to acquire pistols or revolvers and to
41 applicants for nonprofessional permits to carry weapons
42 and permits to acquire pistols or revolvers on or after
43 the effective date of this division of this Act.
44 **DIVISION XIV**
45 **NOTARY PUBLIC**
46 Sec. 134. Section 9B.15, subsection 3, unnumbered
47 paragraph 1, Code 2013, is amended to read as follows:
48 A certificate of a notarial act is sufficient if it
49 meets the requirements of subsections 1 and 2 and ~~all~~
50 any of the following apply:

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1 Sec. 135. Section 9B.17, subsection 1, paragraph a,
2 Code 2013, is amended to read as follows:

3 a. Include the notary public's name, the words
4 "Notarial Seal" and "Iowa", the words "Commission
5 Number" followed by a number assigned to the notary
6 public by the secretary of state, the words "My
7 Commission Expires" followed either by the date that
8 the notary public's term would ordinarily expire as
9 provided in section 9B.21 or a blank line on which the
10 notary public shall indicate the date of expiration,
11 if any, of the notary public's commission, as required
12 by and in satisfaction of section 9B.15, subsection 1,
13 paragraph "e", and other information required by the
14 secretary of state.

15 Sec. 136. Section 321I.31, subsection 3, Code 2013,
16 is amended to read as follows:

17 3. An owner of an all-terrain vehicle shall apply
18 to the county recorder for issuance of a certificate
19 of title within thirty days after acquisition.
20 The application shall be on forms the department
21 prescribes and accompanied by the required fee. The
22 application shall be signed and sworn to before a
23 ~~notary public~~ notarial officer as provided in chapter
24 9B or other person who administers oaths, or shall
25 include a certification signed in writing containing
26 substantially the representation that statements made
27 are true and correct to the best of the applicant's
28 knowledge, information, and belief, under penalty of
29 perjury. The application shall contain the date of
30 sale and gross price of the all-terrain vehicle or
31 the fair market value if no sale immediately preceded
32 the transfer and any additional information the
33 department requires. If the application is made for
34 an all-terrain vehicle last previously registered
35 or titled in another state or foreign country, the
36 application shall contain this information and any
37 other information the department requires.

38 Sec. 137. Section 462A.77, subsection 4, Code 2013,
39 is amended to read as follows:

40 4. Every owner of a vessel subject to titling
41 under this chapter shall apply to the county recorder
42 for issuance of a certificate of title for the vessel
43 within thirty days after acquisition. The application
44 shall be on forms the department prescribes, and
45 accompanied by the required fee. The application shall
46 be signed and sworn to before a ~~notary public~~ notarial
47 officer as provided in chapter 9B or other person who
48 administers oaths, or shall include a certification
49 signed in writing containing substantially the
50 representation that statements made are true and

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1 correct to the best of the applicant's knowledge,
2 information, and belief, under penalty of perjury.
3 The application shall contain the date of sale and
4 gross price of the vessel or the fair market value
5 if no sale immediately preceded the transfer, and any
6 additional information the department requires. If
7 the application is made for a vessel last previously
8 registered or titled in another state or foreign
9 country, it shall contain this information and any
10 other information the department requires.

11 Sec. 138. Section 554.3505, subsection 2, Code
12 2013, is amended to read as follows:

13 2. A protest is a certificate of dishonor made by a
14 United States consul or vice consul, or a ~~notary public~~
15 notarial officer as provided in chapter 9B or other
16 person authorized to administer oaths by the law of
17 the place where dishonor occurs. It may be made upon
18 information satisfactory to that person. The protest
19 must identify the instrument and certify either that
20 presentment has been made or, if not made, the reason
21 why it was not made, and that the instrument has been
22 dishonored by nonacceptance or nonpayment. The protest
23 may also certify that notice of dishonor has been given
24 to some or all parties.

25 Sec. 139. Section 589.4, Code 2013, is amended to
26 read as follows:

27 **589.4 Acknowledgments by corporation officers.**

28 The acknowledgments of all deeds, mortgages, or
29 other instruments in writing taken or certified more
30 than ten years earlier, which instruments have been
31 recorded in the recorder's office of any county of this
32 state, including acknowledgments of instruments made by
33 a corporation, or to which the corporation was a party,
34 or under which the corporation was a beneficiary,
35 and which have been acknowledged before or certified
36 by a ~~notary public~~ notarial officer as provided in
37 chapter 9B who was at the time of the acknowledgment or
38 certifying a stockholder or officer in the corporation,
39 are legal and valid official acts of the notaries
40 public, and entitle the instruments to be recorded,
41 anything in the laws of the state of Iowa in regard to
42 acknowledgments to the contrary notwithstanding. This
43 section does not affect pending litigation.

44 Sec. 140. Section 589.5, Code 2013, is amended to
45 read as follows:

46 **589.5 Acknowledgments by stockholders.**

47 All deeds and conveyances of lands within this
48 state executed more than ten years earlier, but
49 which have been acknowledged or proved according
50 to and in compliance with the laws of this state



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1 before a ~~notary public~~ notarial officer as provided
2 in chapter 9B or other official authorized by law
3 to take acknowledgments who was, at the time of
4 the acknowledgment, an officer or stockholder of a
5 corporation interested in the deed or conveyance, or
6 otherwise interested in the deeds or conveyances, are,
7 if otherwise valid, valid in law as though acknowledged
8 or proved before an officer not interested in the
9 deeds or conveyances; and if recorded more than ten
10 years earlier, in the respective counties in which
11 the lands are, the records are valid in law as though
12 the deeds and conveyances, so acknowledged or proved
13 and recorded, had, prior to being recorded, been
14 acknowledged or proved before an officer having no
15 interest in the deeds or conveyances.

16 Sec. 141. Section 622.86, Code 2013, is amended to
17 read as follows:

18 **622.86 Foreign affidavits.**

19 Those taken out of the state before any judge or
20 clerk of a court of record, or before a ~~notary public~~
21 notarial officer as provided in chapter 9B, or a
22 commissioner appointed by the governor of this state to
23 take acknowledgment of deeds in the state where such
24 affidavit is taken, are of the same credibility as if
25 taken within the state.

26 DIVISION XV

27 FINANCIAL LITERACY

28 Sec. 142. FINANCIAL LITERACY PROGRAM. There is
29 transferred from the general fund of the state to the
30 banking division within the department of commerce for
31 the fiscal year beginning July 1, 2013, and ending June
32 30, 2014, the following amount, or so much thereof as
33 is necessary, for the purposes designated:

34 For deposit in the banking division financial
35 literacy fund created in section 524.107A to support
36 financial literacy education as determined by the
37 banking division through a bank, bank holding company,
38 savings bank, or savings and loan association organized
39 under the law of this state, another state, or the
40 United States:

41 \$ 50,000

42 Sec. 143. NEW SECTION. 524.107A Financial literacy
43 fund.

44 A financial literacy fund is created in the state
45 treasury under the authority of the superintendent.
46 Moneys credited to the fund for a fiscal year are
47 appropriated to the banking division to be used for
48 financial literacy program activities. Notwithstanding
49 section 8.33, moneys credited to the fund that remain
50 unencumbered or unobligated at the close of the fiscal

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1 year shall not revert but shall remain available for
2 expenditure for the purposes designated until the close
3 of the succeeding fiscal year. Notwithstanding section
4 12C.7, subsection 2, interest or earnings on moneys
5 deposited in the fund shall be credited to the fund.>
6 2. Title page, line 2, after <fees,> by inserting
7 <and penalties, providing for matters relating to
8 taxation,>
9 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
SODERBERG of Plymouth, Chairperson



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Senate File 446

H-1405

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 19, line 21, by striking <47,897,214> and
5 inserting <49,897,214>
6 2. Page 30, after line 27 by inserting:
7 <_____. Of the funds appropriated in this section,
8 \$2,000,000 shall be used for distribution to a
9 nonprofit, tax-exempt association that receives
10 donations under section 170 of the Internal Revenue
11 Code and whose members include Iowa food banks and
12 their affiliates that together serve all counties in
13 the state, to be used to purchase food for distribution
14 to food-insecure Iowans.>

HEDDENS of Story

ABDUL-SAMAD of Polk

ANDERSON of Polk

BEARINGER of Fayette

BERRY of Black Hawk

COHOON of Des Moines

DUNKEL of Dubuque

FORBES of Polk

GAINES of Polk

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GASKILL of Wapello

HALL of Woodbury

HANSON of Jefferson

HUNTER of Polk

ISENHART of Dubuque

JACOBY of Johnson

KAJTAZOVIC of Black Hawk

KEARNS of Lee

KELLEY of Jasper

KRESSIG of Black Hawk

LENSING of Johnson

LUNDBY of Linn

LYKAM of Scott



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MASCHER of Johnson

H. MILLER of Webster

MUHLBAUER of Crawford

MURPHY of Dubuque

OLDSON of Polk

R. OLSON of Polk

T. OLSON of Linn

OURTH of Warren

PRICHARD of Floyd

RIDING of Polk

RUFF of Clayton

RUNNING-MARQUARDT of Linn

M. SMITH of Marshall



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STAED of Linn

STECKMAN of Cerro Gordo

STUTSMAN of Johnson

T. TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WESSEL-KROESCHELL of Story

WINCKLER of Scott

WOLFE of Clinton



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Senate File 446

H-1406

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, after line 11 by inserting:
5 <k. The department of public health shall adopt
6 rules pursuant to section 136A.5 to include lysosomal
7 storage disorders in the state's newborn metabolic
8 screening panel pursuant to section 136A.5.>

M. SMITH of Marshall



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Senate File 446

H-1407

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 25, by striking lines 44 and 45 and
5 inserting:
6 <(2) The department shall implement a 39-week
7 elective cesarean section strategy that emphasizes
8 the importance of reducing the number of elective
9 deliveries performed before 39 weeks without a medical
10 indication.>

L. MILLER of Scott

RUNNING-MARQUARDT of Linn



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Senate File 446

H-1408

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 21, line 47, after <law> by inserting <,
5 including reimbursement for abortion services which
6 shall be available under the medical assistance program
7 only for those abortions which are medically necessary>

8 2. By striking page 21, line 49, through page 22,
9 line 9, and inserting:

10 <1. Medically necessary abortions are those
11 performed under any of the following conditions:

12 a. The attending physician certifies that
13 continuing the pregnancy would endanger the life of the
14 pregnant woman.

15 b. The attending physician certifies that the
16 fetus is physically deformed, mentally deficient, or
17 afflicted with a congenital illness.

18 c. The pregnancy is the result of a rape which
19 is reported within 45 days of the incident to a law
20 enforcement agency or public or private health agency
21 which may include a family physician.

22 d. The pregnancy is the result of incest which
23 is reported within 150 days of the incident to a law
24 enforcement agency or public or private health agency
25 which may include a family physician.

26 e. Any spontaneous abortion, commonly known as a
27 miscarriage, if not all of the products of conception
28 are expelled.>

29 3. Page 50, by striking lines 49 and 50 and
30 inserting:

31 <a. Funds appropriated in this subsection shall
32 not be used to perform abortions except medically
33 necessary abortions, and shall not be used to operate
34 the early termination of pregnancy clinic except for
35 the performance of medically necessary abortions. For
36 the purpose of this subsection, an abortion is the
37 purposeful interruption of pregnancy with the intention
38 other than to produce a live-born infant or to remove a
39 dead fetus, and a medically necessary abortion is one
40 performed under one of the following conditions:

41 (1) The attending physician certifies that
42 continuing the pregnancy would endanger the life of the
43 pregnant woman.

44 (2) The attending physician certifies that the
45 fetus is physically deformed, mentally deficient, or
46 afflicted with a congenital illness.

47 (3) The pregnancy is the result of a rape which
48 is reported within 45 days of the incident to a law
49 enforcement agency or public or private health agency
50 which may include a family physician.

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1 (4) The pregnancy is the result of incest which
2 is reported within 150 days of the incident to a law
3 enforcement agency or public or private health agency
4 which may include a family physician.
5 (5) The abortion is a spontaneous abortion,
6 commonly known as a miscarriage, wherein not all of the
7 products of conception are expelled.>
8 4. Page 56, line 48, by striking <law,> and
9 inserting <law,>
10 5. Page 56, line 49, after <regulations> by
11 inserting <including reimbursement for abortion
12 services which shall be available under the medical
13 assistance program only for those abortions which are
14 medically necessary>
15 6. Page 57, by striking lines 5 through 15 and
16 inserting:
17 <1. Medically necessary abortions are those
18 performed under any of the following conditions:
19 a. The attending physician certifies that
20 continuing the pregnancy would endanger the life of the
21 pregnant woman.
22 b. The attending physician certifies that the
23 fetus is physically deformed, mentally deficient, or
24 afflicted with a congenital illness.
25 c. The pregnancy is the result of a rape which
26 is reported within 45 days of the incident to a law
27 enforcement agency or public or private health agency
28 which may include a family physician.
29 d. The pregnancy is the result of incest which
30 is reported within 150 days of the incident to a law
31 enforcement agency or public or private health agency
32 which may include a family physician.
33 e. Any spontaneous abortion, commonly known as a
34 miscarriage, if not all of the products of conception
35 are expelled.>
36 7. Page 92, line 36, after <law> by inserting <,
37 including reimbursement for abortion services which
38 shall be available under the medical assistance program
39 only for those abortions which are medically necessary>
40 8. Page 92, by striking lines 38 through 48 and
41 inserting:
42 <1. Medically necessary abortions are those
43 performed under any of the following conditions:
44 a. The attending physician certifies that
45 continuing the pregnancy would endanger the life of the
46 pregnant woman.
47 b. The attending physician certifies that the
48 fetus is physically deformed, mentally deficient, or
49 afflicted with a congenital illness.
50 c. The pregnancy is the result of a rape which

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1 is reported within 45 days of the incident to a law
2 enforcement agency or public or private health agency
3 which may include a family physician.
4 d. The pregnancy is the result of incest which
5 is reported within 150 days of the incident to a law
6 enforcement agency or public or private health agency
7 which may include a family physician.
8 e. Any spontaneous abortion, commonly known as a
9 miscarriage, if not all of the products of conception
10 are expelled.>
11 9. By renumbering as necessary.

WESSEL-KROESCHELL of Story



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Senate File 446

H-1409

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 11, by striking lines 35 through 39.
5 2. Page 21, line 48, by striking <1,126,161,962>
6 and inserting <1,126,011,962>
7 3. Page 28, line 28, after <funds.> by inserting
8 <The department shall provide a transition plan for
9 patients described by this subsection to continue to
10 provide for lodging beyond December 31, 2013.>
11 4. Page 28, after line 35 by inserting:
12 <24. Of the funds appropriated in this section,
13 \$300,000 shall be used for reimbursement of staff
14 training as direct costs for home and community-based
15 services providers beginning January 1, 2014, as
16 provided under 2013 Iowa Acts, House File 198 or 2013
17 successor legislation, if enacted.>
18 5. Page 42, line 27, by striking <10,961,969> and
19 inserting <10,916,969>
20 6. Page 43, line 14, by striking <15,300,045> and
21 inserting <15,450,045>
22 7. Page 43, after line 43 by inserting:
23 <4. Of the funds appropriated in this section,
24 \$150,000 shall be used to continue the contract for the
25 provision of a program to provide technical assistance,
26 support, and consultation to providers of habilitation
27 services and home and community-based services waiver
28 services for adults with disabilities under the medical
29 assistance program.>
30 8. Page 70, by striking line 39 and inserting <—
31 ~~standing appropriation to health care trust fund.~~>
32 9. Page 72, after line 8 by inserting:
33 <DIVISION _____
34 TELEPHARMACY
35 Sec. _____. Section 155A.3, Code 2013, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 40A. "Telepharmacy" means the
38 provision of pharmacy services by a central pharmacy
39 through remote pharmacy locations utilizing technology.
40 Sec. _____. Section 155A.13, Code 2013, is amended by
41 adding the following new subsection:
42 NEW SUBSECTION. 12. Notwithstanding any provision
43 of section 147.107, subsection 2, or section 155A.33,
44 to the contrary, the board of pharmacy shall adopt
45 rules and procedures pursuant to chapter 17A for
46 telepharmacy.>
47 10. Page 92, line 37, by striking <1,126,161,962>
48 and inserting <1,126,011,962>
49 11. Page 111, line 45, by striking <7,650,023> and
50 inserting <7,725,023>

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1 12. Page 112, after line 8 by inserting:
2 <4. Of the funds appropriated in this section,
3 \$75,000 shall be used to continue the contract for the
4 provision of a program to provide technical assistance,
5 support, and consultation to providers of habilitation
6 services and home and community-based services waiver
7 services for adults with disabilities under the medical
8 assistance program.>
9 13. By renumbering as necessary.

HEATON of Henry



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Senate File 446

H-1410

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 72, after line 8 by inserting:

5 <DIVISION _____

6 SEX OFFENDERS — CARE FACILITY

7 Sec. _____. NEW SECTION. 218.101 Medical and
8 personal care facility for sex offenders.

9 1. a. By July 1, 2014, the department of human
10 services, subject to funding, shall establish one or
11 more facilities for the treatment of sex offenders
12 classified as a tier II or tier III offender who
13 require the type of medical and personal care provided
14 by a nursing facility, residential care facility,
15 or assisted living program, and are unable to obtain
16 admission to a private facility due to the persons'
17 status as a sex offender.

18 b. The department may use or establish a state
19 facility or facilities for the purpose described in
20 this section, or may conduct a request for proposals
21 process to contract with private facilities or
22 programs to provide some or all of the necessary
23 services described in subsection 2 for eligible
24 persons identified in subsection 3. A request for
25 proposals shall identify the reimbursement rates and
26 the necessary training for the staff and the staffing
27 requirements for the facility or program.

28 2. The purpose of a medical and personal care
29 facility for sex offenders is to provide one or more
30 of the following:

31 a. To provide the type of care provided in a
32 nursing facility as described in section 135C.1,
33 subsection 13.

34 b. To provide the type of care provided in a
35 residential care facility as described in section
36 135C.1, subsection 17.

37 c. To provide the type of care provided in assisted
38 living programs as described in section 231C.2,
39 subsection 2.

40 3. A person is eligible for admission to a medical
41 and personal care facility for sex offenders if the
42 person meets all of the following requirements:

43 a. The person is classified as a tier II or tier
44 III sex offender pursuant to section 692A.102.

45 b. The person requires the type of medical
46 and personal care provided by a nursing facility,
47 residential care facility, or assisted living program.

48 c. The person is unable to obtain admission to a
49 private nursing facility, residential care facility, or
50 assisted living program due to the person's status as

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1 a sex offender.
2 4. a. A person requesting admission to a facility
3 shall submit an application for admission to the
4 department.
5 b. A representative of the department of
6 inspections and appeals, the department of corrections,
7 or the department of public safety, an administrator
8 of a residential care facility or nursing facility
9 or the administrator's designee, or a manager of an
10 assisted living program or the manager's designee, may
11 also submit an application requesting admission to a
12 facility on behalf of a person with the permission of
13 the person or the person's guardian.
14 c. The application shall include a statement
15 concerning the actions the person requesting admission
16 to a facility has taken, or the steps taken on the
17 person's behalf, to obtain admission to a private
18 nursing facility, residential care facility, or
19 assisted living program.
20 5. Upon application by or on behalf of a person
21 meeting the eligibility requirements, the department
22 shall admit the resident or tenant to a medical and
23 personal care facility for sex offenders unless an
24 alternative, adequate placement for the person is
25 arranged.
26 6. Upon admission to a state-operated medical and
27 personal care facility, the department shall assess a
28 resident or tenant to identify payment options. The
29 payor of last resort for the facility is the medical
30 assistance program established pursuant to chapter
31 249A.
32 7. A resident or tenant may be discharged from
33 a state-operated facility if the person is no longer
34 required to register as a tier II or tier III sex
35 offender, if the department determines the person
36 no longer requires the type of medical and personal
37 care provided by a nursing facility, residential
38 care facility, or assisted living program, or if an
39 alternative, adequate placement is arranged.
40 8. For purposes of this section, "*adequate*
41 *placement*" means a placement that will provide the
42 level of care necessary for an eligible person
43 including the level of care provided by a nursing
44 facility, residential care facility, or assisted living
45 program.
46 9. A state-operated facility offering the type
47 of medical and personal care provided by a nursing
48 facility shall meet the requirements for Medicare
49 certification. A facility operated by the state shall
50 not be required to be licensed or certified under

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1 chapter 135C or 231C.
2 10. The department shall establish by rule all of
3 the following requirements for a medical and personal
4 care facility for sex offenders:
5 a. The training requirements for staff at a
6 facility.
7 b. The staffing plans for a facility.
8 c. The requirements of a safety plan for residents
9 or tenants of a facility. The rules shall include but
10 are not limited to all of the following:
11 (1) A plan for the safety of residents, tenants,
12 and staff of a facility.
13 (2) A plan for the safety of visitors to a
14 facility.
15 (3) The responsibilities of employees of a facility
16 in implementing a safety plan.
17 d. The discharge policy and requirements of a
18 state-operated facility.
19 e. The security policy and the level of security
20 that is adequate for a facility.
21 11. The department shall adopt rules to administer
22 this section.>
23 2. By renumbering as necessary.

H. MILLER of Webster



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Senate File 446

H-1411

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 72, after line 8 by inserting:

5 <DIVISION _____
6 MAMMOGRAPHY

7 Sec. _____. Section 136C.3, subsection 10, Code 2013,
8 is amended to read as follows:

9 10. a. Adopt rules specifying the minimum training
10 and performance standards for an individual using a
11 radiation machine for mammography, and other rules
12 necessary to implement section 136C.15. The rules
13 shall complement federal requirements applicable to
14 similar radiation machinery and shall not be less
15 stringent than those federal requirements.

16 b. (1) Adopt rules to require that, by January
17 1, 2014, a facility where mammography services are
18 performed shall include information on breast density
19 in mammogram reports sent to patients pursuant to
20 regulations implementing the federal Mammography
21 Quality Standards Act of 1992, Pub. L. No. 102-539, as
22 amended, and include in the report sent to a patient
23 who has dense breast tissue, as determined by the
24 interpreting physician based on standards promulgated
25 by the American college of radiology, a notice that
26 contains the following language:

27 Your mammogram demonstrates that you may have
28 dense breast tissue, which can hide cancer or other
29 abnormalities. A report of your mammography results,
30 which contains information about your breast density,
31 has been sent to your referring physician's office,
32 and you should contact your physician if you have any
33 questions or concerns about this report.

34 (2) Nothing in this lettered paragraph "b" shall be
35 construed to create or impose liability on a facility
36 where mammography services are performed beyond the
37 duty to provide notice as set forth in this lettered
38 paragraph "b".

39 (3) Nothing in this lettered paragraph "b" shall
40 be deemed to require a notice that is inconsistent
41 with the provisions of the federal Mammography Quality
42 Standards Act of 1992, Pub. L. No. 102-539, as amended,
43 or any regulations promulgated pursuant to that Act.>

44 2. By renumbering as necessary.

H. MILLER of Webster

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Senate Amendment to
House File 471

H-1412

1 Amend House File 471, as passed by the House, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 598.41A, Code 2013, is amended
5 to read as follows:

6 **598.41A Visitation — history of crimes against a
7 minor.**

8 1. Notwithstanding section 598.41, the court shall
9 consider, in the award of visitation rights to a parent
10 of a child, the criminal history of the parent if the
11 parent has been convicted of a sex offense against a
12 minor as defined in section 692A.101.

13 2. Notwithstanding section 598.41, an individual
14 who is a parent of a minor child and who has been
15 convicted of a sex offense against a minor as defined
16 in section 692A.101, is not entitled to visitation
17 rights while incarcerated. While on probation, parole,
18 or any other type of conditional release including a
19 special sentence for such offense, visitation shall
20 be denied until the parent successfully completes a
21 treatment program approved by the court, if required
22 by the court. The circumstances described in this
23 subsection shall be considered a substantial change in
24 circumstances.>

25 2. Page 2, after line 1 by inserting:

26 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
27 provision or provisions of this Act, being deemed of
28 immediate importance, take effect upon enactment:

29 1. The section of this Act amending section
30 598.41A.

31 Sec. _____. RETROACTIVE APPLICABILITY. The following
32 provision or provisions of this Act apply retroactively
33 to an order or decree involving child custody or
34 visitation issued on or after July 1, 2000:

35 1. The section of this Act amending section
36 598.41A.>

37 3. Title page, line 1, after <to> by inserting
38 <parental rights, including>

39 4. Title page, line 3, after <petition> by
40 inserting <and the awarding of visitation when a
41 history of crimes against a minor is involved, and
42 including effective, retroactive, and applicability
43 date provisions>

44 5. By renumbering as necessary.

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Senate File 446

H-1413

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 54, line 36, by striking <shall not> and
5 inserting <may>

THOMAS of Clayton



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Senate File 446

H-1414

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 37, line 44, after <Iowa.> by inserting
5 <However, if the department seeks to implement the
6 integrated health home approach for the children in the
7 area served by the circle of care collaboration, the
8 approach shall be implemented through a request for
9 proposals process and the funding allocated in this
10 subsection shall be combined with the other funding
11 made available to the providers selected to implement
12 the approach in the area.>
13 2. Page 38, line 30, after <2014.> by inserting
14 <However, if the department seeks to implement the
15 integrated health home approach for the children in the
16 area served by the system of care grantee, the approach
17 shall be implemented through a request for proposals
18 process and the funding allocated in this subsection
19 shall be combined with the other funding made available
20 to the providers selected to implement the approach in
21 the area.>
22 3. Page 38, line 34, after <counties.> by inserting
23 <However, if the department seeks to implement the
24 integrated health home approach for the children in the
25 area served by the system of care grantee, the approach
26 shall be implemented through a request for proposals
27 process and the funding allocated in this subsection
28 shall be combined with the other funding made available
29 to the providers selected to implement the approach in
30 the area.>

HEATON of Henry

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Senate File 446

H-1415

- 1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 17, line 37, by striking <5,542,834> and
5 inserting <6,500,000>
6 2. Page 19, line 21, by striking <47,897,214> and
7 inserting <48,854,380>
8 3. Page 19, line 25, by striking <2,663,854> and
9 inserting <3,621,020>

M. SMITH of Marshall



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Senate File 446

H-1416

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 44, by striking <4,155,429> and
5 inserting <4,301,214>
6 2. Page 9, after line 24 by inserting:
7 <(1) For distribution to the Iowa primary care
8 association for statewide coordination of the Iowa
9 collaborative safety net provider network:
10 \$ 145,785>

BERRY of Black Hawk

KAJTAZOVIC of Black Hawk

KRESSIG of Black Hawk



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Senate File 452

H-1417

1 Amend the amendment, H-1404, to Senate File 452,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, after line 10 by inserting:

5 <Sec. _____. Section 256C.4, subsection 1, paragraph
6 d, Code 2013, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Preschool foundation aid
9 funding distributed to an approved local program that
10 remains unencumbered or unobligated at the close of
11 a fiscal year shall be used in the succeeding fiscal
12 year to expand the local program's preschool student
13 capacity.

14 Sec. _____. Section 256C.4, subsection 1, paragraphs
15 g and h, Code 2013, are amended to read as follows:

16 g. For the fiscal year beginning July 1, 2011,
17 and each succeeding fiscal year, of Of the amount
18 of preschool foundation aid received by a school
19 district for a fiscal year in accordance with section
20 257.16, not more than five percent may be used by the
21 school district for the school district's costs of
22 administering the district's approved local program.
23 h. For the fiscal year beginning July 1, 2012, and
24 each succeeding fiscal year, of the amount of preschool
25 foundation aid received by a school district for a
26 fiscal year in accordance with section 257.16, not
27 less than ninety-five percent of the per pupil amount
28 shall be passed through to If the students enrolled
29 in a school district's approved local program receive
30 the program's preschool instruction through or in
31 conjunction with services provided to the students by
32 a community-based provider for each pupil enrolled in
33 the district's approved local program, the department's
34 administrative rules and other requirements applicable
35 to the provider and the school district's agreement
36 with the provider shall allow payment for the
37 provider's direct and indirect costs relating to the
38 students. For the fiscal year beginning July 1, 2011,
39 and each succeeding fiscal year, not more than five
40 percent of the amount of preschool foundation aid
41 passed through to a community-based provider may be
42 used by the community-based provider for administrative
43 costs. If the community-based provider is not subject
44 to an annual audit in accordance with generally
45 accepted accounting principles, the provider shall
46 utilize processes which shall be recommended by the
47 auditor of state to identify the provider's direct and
48 indirect costs attributable to the students enrolled
49 in the program.>

50 2. Page 5, before line 44 by inserting:

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1 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
2 provision or provisions of this division of this Act,
3 being deemed of immediate importance, take effect upon
4 enactment:
5 1. The sections amending section 256C.4, subsection
6 1, paragraphs "d", "g", and "h".>
7 3. By renumbering as necessary.

WINCKLER of Scott

DOLECHECK of Ringgold



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Senate File 452

H-1418

1 Amend the amendment, H-1404, to Senate File 452,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 21 by inserting:
5 <Sec. _____. SCHOOL DISTRICT UNSPENT BALANCE
6 AUTHORIZATION — FY 2013-2014. Notwithstanding any
7 provision of law to the contrary, if a school district
8 experiences a budget shortfall caused by federal
9 funding reductions made pursuant to the federal Budget
10 Control Act of 2011, and the school district carries
11 a positive unspent balance at the end of the fiscal
12 year beginning July 1, 2012, the school district may
13 use, for the purposes for which the federal funds were
14 designated, the unspent balance remaining at the end of
15 the fiscal year beginning July 1, 2012, to alleviate
16 the shortfall.>
17 2. Page 5, after line 43 by inserting:
18 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
19 of this division of this Act relating to school
20 district unspent balance authorization for shortfalls
21 in FY 2013-2014, being deemed of immediate importance,
22 takes effect upon enactment.>

WINCKLER of Scott

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House Study Bill 237 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act extending the period for determining the rates of the
2 motor fuel tax based on calculating the distribution of
3 ethanol blended gasoline and other motor fuel, and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/rj



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H.F. _____

1 Section 1. Section 452A.3, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:

3 Except as otherwise provided in this section and in this
4 division, until June 30, ~~2013~~ 2014, this subsection shall apply
5 to the excise tax imposed on each gallon of motor fuel used for
6 any purpose for the privilege of operating motor vehicles in
7 this state.

8 Sec. 2. Section 452A.3, subsection 1A, Code 2013, is amended
9 to read as follows:

10 1A. Except as otherwise provided in this section and in this
11 division, after June 30, ~~2013~~ 2014, an excise tax of twenty
12 cents is imposed on each gallon of motor fuel used for any
13 purpose for the privilege of operating motor vehicles in this
14 state.

15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 Currently, an excise tax is imposed on each gallon of motor
19 fuel (generally gasoline) sold in the state (Code section
20 452A.3). The general tax rate is 20 cents per gallon, but
21 subject to adjustment each 12-month period, based on a formula
22 which produces a paired rate system for ethanol blended
23 gasoline and other motor fuel. The last date of the paired
24 rate system is June 30, 2013. After that date, the tax rate is
25 uniformly imposed at 20 cents for each gallon of motor fuel.

26 This bill extends the paired rate system for another year
27 with its last date being June 30, 2014.

28 The bill takes effect upon enactment.



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House Amendment to
Senate File 296

S-3210

1 Amend Senate File 296, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 HEALTHY IOWA PLAN

7 Section 1. NEW SECTION. 249N.1 Title.

8 This chapter shall be known and may be cited as the
9 "Healthy Iowa Plan".

10 Sec. 2. NEW SECTION. 249N.2 Definitions.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "Accountable care organization" means a
14 risk-bearing, integrated health care organization
15 characterized by a payment and care delivery model that
16 ties provider reimbursement to quality metrics and
17 reductions in the total cost of care for an attributed
18 population of patients.

19 2. "Affordable Care Act" or "federal Act" means the
20 federal Patient Protection and Affordable Care Act,
21 Pub. L. No. 111-148 as amended by the federal Health
22 Care and Education Reconciliation Act of 2010, Pub. L.
23 No. 111-152.

24 3. "Clean claim" means a claim submitted by a
25 healthy Iowa plan provider that may be adjudicated as
26 paid or denied.

27 4. "Covered benefits" means reimbursable health
28 care services as specified in section 249N.6.

29 5. "Department" means the department of human
30 services.

31 6. "Director" means the director of human services.

32 7. "Essential health benefits" means essential
33 health benefits as defined in section 1302 of the
34 Affordable Care Act, that include at least the general
35 categories and the items and services covered within
36 the categories of ambulatory patient services;
37 emergency services; hospitalization; maternity and
38 newborn care; mental health and substance use disorder
39 services, including behavioral health treatment;
40 prescription drugs; rehabilitative and habilitative
41 services and devices; laboratory services; preventive
42 and wellness services and chronic disease management;
43 and pediatric services, including oral and vision care.

44 8. "Federal approval" means approval by the centers
45 for Medicare and Medicaid services of the United States
46 department of health and human services.

47 9. "Federal poverty level" means the most recently
48 revised poverty income guidelines published by the
49 United States department of health and human services.

50 10. "Full benefits recipient" means an adult who is

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1 eligible for full medical assistance benefits pursuant
2 to chapter 249A under any category of eligibility.
3 11. *"Healthy Iowa plan" or "plan"* means the healthy
4 Iowa plan established under this chapter.
5 12. *"Healthy Iowa plan provider"* means any provider
6 enrolled in the medical assistance program or any
7 participating accountable care organization.
8 13. *"Healthy Iowa plan provider network"* means the
9 health care delivery network approved by the department
10 for healthy Iowa plan members.
11 14. *"Medical assistance program" or "Medicaid"* means
12 the program paying all or part of the costs of care and
13 services provided to an individual pursuant to chapter
14 249A and Tit. XIX of the federal Social Security Act.
15 15. *"Medicare"* means the federal Medicare program
16 established pursuant to Tit. XVIII of the federal
17 Social Security Act.
18 16. *"Member"* means an individual who meets the
19 eligibility requirements of section 249N.5 and is
20 enrolled in the healthy Iowa plan.
21 17. *"My health rewards account"* means an account
22 established by the department pursuant to section
23 249N.9 on behalf of a member to contain contributions
24 from the member, financial incentives earned by the
25 member, and other payments made by the plan, to be used
26 by the member for payment of required contributions,
27 cost-sharing, and health improvements.
28 18. *"Participating accountable care organization"*
29 means an accountable care organization approved by the
30 department to participate in the healthy Iowa plan
31 provider network.
32 19. *"Preventive care services"* means care that is
33 provided to an individual to promote health, prevent
34 disease, or diagnose disease.
35 20. *"Primary medical provider"* means the primary
36 care provider chosen by a member or to whom a member
37 is assigned to provide and manage the member's primary
38 care and to provide referrals, as necessary and
39 required by the healthy Iowa plan, to other healthy
40 Iowa plan providers.
41 21. *"Value-based reimbursement"* means a payment
42 methodology that links provider reimbursement to
43 improved performance by health care providers by
44 holding health care providers accountable for both the
45 cost and quality of care provided.
46 Sec. 3. NEW SECTION. 249N.3 Purpose —
47 establishment of healthy Iowa plan.
48 1. The purpose of this chapter is to establish and
49 administer a healthy Iowa plan to promote increased
50 access to health care, quality health care outcomes,

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1 and the use of personal responsibility mechanisms that
2 encourage individuals with incomes at or below one
3 hundred percent of the federal poverty level to be
4 cost-conscious consumers of health care and to exhibit
5 healthy behaviors.

6 2. The healthy Iowa plan is established within the
7 medical assistance program and shall be administered by
8 the department. Except as otherwise specified in this
9 chapter, the rules applicable to the medical assistance
10 program pursuant to chapter 249A shall be applicable
11 to the healthy Iowa plan.

12 3. The department may contract with a third-party
13 administrator to provide eligibility determination
14 support, and to administer enrollment, member
15 outreach, my health rewards account services, and other
16 components of the healthy Iowa plan.

17 Sec. 4. NEW SECTION. 249N.4 Federal financial
18 participation — limitations of program.

19 1. This chapter shall be implemented only to the
20 extent that federal matching funds are available for
21 nonfederal expenditures under this chapter. Except as
22 otherwise provided in section 249N.11, the department
23 shall not expend funds under this chapter, including
24 but not limited to expenditures for reimbursement of
25 providers and program administration, if appropriated
26 nonfederal funds are not matched by federal financial
27 participation.

28 2. Enrollment in the healthy Iowa plan may be
29 limited, closed, or reduced and the scope and duration
30 of services provided under the healthy Iowa plan may
31 be limited, reduced, or terminated if the department
32 determines that federal financial participation or
33 appropriated nonfederal funds will not be available to
34 pay for existing or additional enrollment costs.

35 3. The provisions of this chapter shall not be
36 construed, are not intended as, and shall not imply a
37 grant of entitlement to services for individuals who
38 are eligible for covered benefits under this chapter
39 or for utilization of services that do not exist or
40 are not otherwise available under this chapter. Any
41 state obligation to provide covered benefits pursuant
42 to this chapter is limited to the extent of the funds
43 appropriated or distributed for the purposes of this
44 chapter.

45 4. The provisions of this chapter shall not be
46 construed and are not intended to affect the provision
47 of services to medical assistance program recipients
48 existing on January 1, 2014.

49 Sec. 5. NEW SECTION. 249N.5 Healthy Iowa plan —
50 eligibility.

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1 1. Except as otherwise provided in this chapter,
2 an individual nineteen through sixty-four years of age
3 shall be eligible for covered benefits specified in
4 this chapter when provided through the healthy Iowa
5 plan provider network as described in this chapter, if
6 the individual meets all of the following conditions:
7 a. The individual meets the citizenship or alienage
8 requirements of the medical assistance program, is a
9 resident of Iowa, and provides a social security number
10 upon application for the plan.
11 b. The individual has household income at or below
12 one hundred percent of the federal poverty level.
13 Household income shall be determined using the modified
14 adjusted gross income methodology pursuant to section
15 2002 of the Affordable Care Act.
16 c. The individual fulfills all other conditions
17 of participation in the healthy Iowa plan, including
18 member financial participation pursuant to section
19 249N.8.
20 2. The following individuals are not eligible for
21 the healthy Iowa plan:
22 a. An individual eligible as a full benefits
23 recipient under the medical assistance program.
24 b. An individual who is entitled to or enrolled
25 for Medicare benefits under part A, or is enrolled for
26 Medicare benefits under part B, of Tit. XVIII of the
27 federal Social Security Act.
28 c. An individual who is pregnant and otherwise
29 eligible for the medical assistance program pursuant to
30 section 249A.3.
31 d. An individual who has access to affordable
32 employer-sponsored health care coverage, as defined by
33 rule of the department to align with rules adopted by
34 the federal internal revenue service under the federal
35 Affordable Care Act.
36 3. a. Each applicant for the healthy Iowa
37 plan shall provide to the department all insurance
38 information required by the health insurance premium
39 payment program in accordance with rules adopted by the
40 department.
41 b. The department may elect to pay the
42 cost of premiums for applicants with access
43 to employer-sponsored health care coverage if
44 the department determines such payment to be
45 cost-effective.
46 c. Eligibility for the healthy Iowa plan is a
47 qualifying event under the federal Health Insurance
48 Portability and Accountability Act of 1996, Pub. L. No.
49 104-191.
50 d. If premium payment is provided under this

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1 subsection for employer-sponsored health care coverage,
2 the healthy Iowa plan shall supplement such coverage
3 as necessary to provide the covered benefits specified
4 under section 249N.6.

5 4. The department shall implement the healthy Iowa
6 plan in a manner that ensures that the healthy Iowa
7 plan is the payor of last resort.

8 5. A member is eligible for coverage effective
9 the first day of the month following the month of
10 application for enrollment.

11 6. Following initial enrollment, a member is
12 eligible for covered benefits for twelve months,
13 subject to program termination and other limitations
14 otherwise specified in this chapter. The department
15 shall review the member's eligibility on at least an
16 annual basis.

17 Sec. 6. NEW SECTION. 249N.6 Healthy Iowa plan —
18 covered benefits.

19 Members shall receive coverage for benefits pursuant
20 to 42 U.S.C. § 1396u-7(b)(1)(B), adjusted as necessary
21 to provide the essential health benefits required
22 pursuant to section 1302 of the federal Act, and
23 including habilitation services consistent with the
24 state medical assistance program section 1915I waiver.

25 Sec. 7. NEW SECTION. 249N.7 Healthy Iowa plan
26 provider network.

27 1. The department shall develop a regionalized
28 healthy Iowa plan provider network statewide.

29 2. The healthy Iowa plan provider network shall
30 include all providers enrolled in the medical
31 assistance program and participating accountable care
32 organizations. Reimbursement under this chapter shall
33 only be made to such healthy Iowa plan providers for
34 covered benefits.

35 3. a. Upon enrollment, a member shall choose a
36 primary medical provider within the healthy Iowa plan
37 provider network.

38 b. If the member does not choose a primary medical
39 provider, the department shall assign the member to
40 a primary medical provider in accordance with the
41 mandatory enrollment provisions specified in rules
42 adopted by the department pursuant to chapter 249A
43 and in accordance with quality data available to the
44 department.

45 c. The department shall develop a mechanism for
46 primary medical providers and participating accountable
47 care organizations within a region to jointly
48 facilitate member care coordination.

49 4. a. The healthy Iowa plan provider network shall
50 include at least one participating accountable care

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1 organization per region with which the department shall
2 contract to ensure the coordination and management
3 of the health of the members within the region, to
4 produce improved health care quality, and to control
5 overall cost. The department shall contract with the
6 acute care teaching hospital located in a county with
7 a population over three hundred fifty thousand to act
8 as a participating accountable care organization within
9 the region specified by the department.
10 **b.** The department shall establish the
11 qualifications, contracting processes, and
12 contract terms for a participating accountable care
13 organization. The department shall also establish
14 a methodology for attribution of a specified member
15 population to the participating accountable care
16 organization.
17 **c.** A participating accountable care organization
18 contract shall establish accountability based on
19 quality performance and total cost of care metrics for
20 the attributed population. The metrics shall include
21 but are not limited to risk sharing, including both
22 shared savings and shared costs, between the state and
23 the participating accountable care organization.
24 **d.** The department shall ensure that payments made
25 to participating accountable care organizations do not
26 exceed available funds in the healthy Iowa account
27 created in section 249N.11.
28 **e.** The participating accountable care organization
29 shall provide access by members to primary medical
30 providers within thirty miles or thirty minutes of a
31 member's residence, unless such access is technically
32 infeasible.
33 **5.** To the extent possible, members shall have
34 a choice of providers within the healthy Iowa plan
35 provider network, subject to the results of attribution
36 under this section and subject to all of the following:
37 **a.** Member choice may be limited by the
38 participating accountable care organization, with prior
39 approval of the department, if the member's health
40 condition would benefit from limiting the member's
41 choice of a healthy Iowa plan provider to ensure
42 coordination of services, or due to overutilization of
43 covered benefits. The participating accountable care
44 organization shall provide thirty days' notice to the
45 member prior to limitation of such choice.
46 **b.** The department may require that access to
47 services not provided through the participating
48 accountable care organization be subject to prior
49 authorization by the participating accountable care
50 organization, if such prior authorization is projected

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1 to improve health care delivery in the region.
2 6. a. A healthy Iowa plan provider shall submit
3 clean claims within twenty days of the date of
4 provision of a covered benefit to a member.
5 b. A healthy Iowa plan provider shall be reimbursed
6 for covered benefits under the healthy Iowa plan
7 utilizing the same reimbursement methodology as
8 that applicable to individuals eligible for medical
9 assistance under section 249A.3, subsection 1.
10 c. Notwithstanding paragraph "b", a participating
11 accountable care organization under contract with the
12 department shall be reimbursed utilizing a value-based
13 reimbursement methodology.
14 7. a. Healthy Iowa plan providers shall exchange
15 member health information as provided by rule to
16 facilitate coordination and management of care,
17 improved health outcomes, and reduction in costs.
18 b. The department shall provide the health care
19 claims data of attributed members to a member's
20 participating accountable care organization on a
21 timeframe established by rule of the department.
22 Sec. 8. NEW SECTION. 249N.8 Member financial
23 participation.
24 1. Membership in the healthy Iowa plan shall
25 require payment of a monthly contribution and
26 cost-sharing amounts, annually, that align with the
27 cost-sharing limitations requirements for American
28 health benefit exchanges under the Affordable Care
29 Act. Copayments under the healthy Iowa plan shall
30 be applicable only to nonemergency use of a hospital
31 emergency department. Contribution and cost-sharing
32 amounts, including an annual deductible, shall be
33 established by rule of the department.
34 2. a. Even though a member is eligible for
35 coverage effective the first day of the month following
36 the month of application for enrollment, claims for
37 covered benefits shall not be paid until the initial
38 monthly contribution payment is made by the member.
39 If the initial monthly contribution payment is made
40 within sixty days of the eligibility date, claims for
41 covered benefits are payable from the effective date
42 of eligibility.
43 b. Timely payment of monthly contributions,
44 within sixty days of the date the payment is due, is
45 a condition of membership. A member who does not
46 make such timely payment is subject to disenrollment
47 from the plan, following notice from the department.
48 Following such disenrollment, an individual is not
49 eligible for reapplication for membership in the plan
50 for twelve months from the date of disenrollment.

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1 c. A member may request a hardship exemption if
2 a hardship would accrue from imposing payment of the
3 monthly contribution. Information regarding the
4 contribution obligation and the hardship exemption,
5 including the process by which a prospective member may
6 apply for the hardship exemption, shall be provided to
7 a prospective member at the time of application for
8 enrollment.
9 3. Any required member contributions or
10 cost-sharing that are unpaid are a debt owed the state.
11 Sec. 9. NEW SECTION. 249N.9 My health rewards
12 accounts.
13 1. The department shall establish a my health
14 rewards account for each healthy Iowa plan member.
15 2. The plan shall deposit all of the following in a
16 member's health rewards account:
17 a. All member contributions collected under section
18 249N.8.
19 b. Financial incentive payments paid by the plan,
20 annually, for the member's completion of a health risk
21 assessment, completion of an annual physical, receipt
22 of preventive services specified by the plan, or the
23 entering into by a member of a health responsibility
24 and self-sufficiency agreement, as specified by rule of
25 the department.
26 c. A payment paid by the plan upon initial
27 enrollment and annually thereafter, of an amount that
28 is the difference between the sum of the required
29 contributions made by the member plus the financial
30 incentive amounts paid by the plan, and the total
31 annual deductible for the member as established by
32 rule.
33 3. The moneys in a member's account shall only be
34 distributed from the account and used to improve the
35 health of the member as specified by rule based on best
36 practices. Such uses may include but are not limited
37 to payment for smoking cessation services or nutrition
38 counseling, or payment of required contributions or
39 cost-sharing amounts, exclusive of copayments for
40 nonemergency use of a hospital emergency department.
41 A member's deductible amount under the plan shall be
42 debited against the member's account annually.
43 4. If a member demonstrates an established pattern
44 of failure to pay required contribution or cost-sharing
45 amounts, or a pattern of inappropriate use of emergency
46 department or covered benefits, the member may be
47 subject to forfeiture of the funds in the account,
48 following notice from the department.
49 5. Any funds remaining in a member's my health
50 rewards account annually at the end of a twelve-month

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1 enrollment period are subject to the following:
2 a. If the member renews enrollment, the funds
3 shall remain in the account to be used to defray the
4 costs of the member's contributions and cost-sharing
5 requirements in the subsequent enrollment period.
6 However, if the member did not complete the preventive
7 care services specified by the plan during the prior
8 enrollment period, any portion of the remaining amount
9 paid by the plan shall not be used to defray the
10 costs of the member's contributions or cost-sharing
11 requirements in the subsequent enrollment period.
12 b. If an individual is no longer eligible for
13 the plan, does not reenroll in the plan, or is
14 terminated from the plan for nonpayment of required
15 contributions or cost-sharing amounts, the plan shall
16 refund a prorated amount of the member's contributions
17 as determined by rule of the department, less any
18 outstanding contributions or cost-sharing owed by the
19 member, to the individual within sixty days of such
20 occurrence. Any portion of the remaining amount in the
21 account paid by the plan shall revert to the healthy
22 Iowa account.
23 Sec. 10. NEW SECTION. 249N.10 Funding — county
24 and county hospital contributions — certified public
25 expenditures.
26 1. Notwithstanding any provision to the contrary
27 relating to the taxes levied by a county pursuant to
28 section 331.424A for which the collection is performed
29 after January 1, 2014, the county treasurer of each
30 county shall distribute thirty-seven and eighty-four
31 hundredths percent of the maximum amount authorized to
32 be levied and collected pursuant to section 331.424A,
33 to the treasurer of state for deposit in the healthy
34 Iowa account created in section 249N.11. One-half
35 of the total amount specified under this subsection
36 shall be distributed by each county treasurer to the
37 treasurer of state by October 15, and one-half of the
38 total amount shall be distributed to the treasurer of
39 state by April 15, annually.
40 2. Notwithstanding any provision to the contrary,
41 for the collection of taxes levied under section 347.7,
42 for which the collection is performed after January
43 1, 2014, the county treasurer of a county with a
44 population over three hundred fifty thousand in which a
45 publicly owned acute care teaching hospital is located
46 shall distribute the proceeds collected pursuant to
47 section 347.7, in a total amount of forty-two million
48 dollars annually, which would otherwise be distributed
49 to the county hospital, to the treasurer of state for
50 deposit in the healthy Iowa account created in section

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1 249N.11 as follows:
2 a. The first nineteen million dollars in
3 collections pursuant to section 347.7, between July
4 1 and December 31 annually, shall be distributed to
5 the treasurer of state for deposit in the healthy Iowa
6 account and collections during this time period in
7 excess of nineteen million dollars shall be distributed
8 to the acute care teaching hospital identified in this
9 subsection. In addition, of the collections during
10 this time period in excess of nineteen million dollars
11 received by the acute care teaching hospital, two
12 million dollars shall be distributed by the acute care
13 teaching hospital to the treasurer of state for deposit
14 in the healthy Iowa account in the month of January
15 following the July 1 through December 31 period.
16 b. The first nineteen million dollars in
17 collections pursuant to section 347.7, between January
18 1 and June 30 annually, shall be distributed to the
19 treasurer of state for deposit in the healthy Iowa
20 account and collections during this time period in
21 excess of nineteen million dollars shall be distributed
22 to the acute care teaching hospital identified in
23 this subsection. In addition, of the collections
24 during this time period in excess of nineteen million
25 dollars received by the acute care teaching hospital,
26 two million dollars shall be distributed by the acute
27 care teaching hospital to the treasurer of state for
28 deposit in the healthy Iowa account in the month of
29 July following the January 1 through June 30 period.
30 3. In addition to the funding specified in this
31 section, the university of Iowa hospitals and clinics
32 shall certify public expenditures in an amount equal to
33 provide the nonfederal share of total expenditures not
34 to exceed thirty million dollars annually.
35 4. The distribution of county hospital funds to the
36 treasurer of state required under this section shall
37 not be the basis for an increase in the amount levied
38 and a county hospital shall not thereby increase the
39 amount levied pursuant to section 347.7.
40 Sec. 11. NEW SECTION. 249N.11 **Healthy Iowa**
41 **account.**
42 1. A healthy Iowa account is created in the state
43 treasury under the authority of the department. Moneys
44 appropriated from the general fund of the state to the
45 account, proceeds distributed from county treasurers as
46 specified in section 249N.10, and moneys from any other
47 source credited to the account shall be deposited in
48 the account. Moneys deposited in or credited to the
49 account are appropriated to the department of human
50 services to be used for the purposes of the healthy

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1 Iowa plan including administration of the plan and to
2 provide nonfederal matching funds for the healthy Iowa
3 plan, as specified in this chapter. An amount shall
4 be appropriated from the account to the county with a
5 population over three hundred fifty thousand in which a
6 publicly owned acute care teaching hospital is located,
7 annually, to offset any difference between the amount
8 of proceeds required to be distributed by the county
9 treasurer to the account and the actual amount received
10 by the hospital in reimbursements through the healthy
11 Iowa plan in the preceding fiscal year.

12 2. The account shall be separate from the general
13 fund of the state and shall not be considered part
14 of the general fund of the state. The moneys in
15 the account shall not be considered revenue of the
16 state, but rather shall be funds of the account.
17 The moneys in the account are not subject to
18 section 8.33 and shall not be transferred, used,
19 obligated, appropriated, or otherwise encumbered,
20 except to provide for the purposes of this chapter.
21 Notwithstanding section 12C.7, subsection 2, interest
22 or earnings on moneys deposited in the account shall
23 be credited to the account.

24 3. The department shall adopt rules pursuant to
25 chapter 17A to administer the account.

26 Sec. 12. **NEW SECTION. 249N.12 Adoption of rules —**
27 **sole-source administration — reports.**

28 1. The department shall adopt rules pursuant to
29 chapter 17A as necessary to administer this chapter.
30 The department may adopt emergency rules under section
31 17A.4, subsection 3, and section 17A.5, subsection 2,
32 paragraph "b", as necessary for the administration
33 of this chapter and the rules shall become effective
34 immediately upon filing or on a later effective date
35 specified in the rules, unless the effective date is
36 delayed by the administrative rules review committee.
37 Any rules adopted in accordance with this section
38 shall not take effect before the rules are reviewed
39 by the administrative rules review committee. The
40 delay authority provided to the administrative rules
41 review committee under section 17A.4, subsection 7, and
42 section 17A.8, subsection 9, shall be applicable to a
43 delay imposed under this section, notwithstanding a
44 provision in those sections making them inapplicable
45 to section 17A.5, subsection 2, paragraph "b". Any
46 rules adopted in accordance with the provisions of this
47 section shall also be published as notice of intended
48 action as provided in section 17A.4.

49 2. Notwithstanding section 8.47 or any other
50 provision of law to the contrary, the department may

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1 utilize a sole-source approach to administer this
2 chapter.
3 3. The department shall submit all of the following
4 to the governor and the generally assembly:
5 a. Biennially, a report of the results of a review,
6 by county and region, of mental health services
7 previously funded through taxes levied by counties
8 pursuant to section 331.424A, that are funded during
9 the reporting period under the healthy Iowa plan.
10 b. Annually, a report of the results of a review
11 of the outcomes and effectiveness of mental health
12 services provided under the healthy Iowa plan.
13 c. Annually, an analysis of whether the amount
14 distributed by each county to the treasurer of
15 state pursuant to section 249N.10, subsection 1, is
16 commensurate with the cost of mental health services
17 being provided under the healthy Iowa plan.
18 Sec. 13. Section 249J.26, subsection 2, Code 2013,
19 is amended to read as follows:
20 2. This chapter is repealed ~~October~~ December 31,
21 2013.
22 Sec. 14. HEALTHY IOWA ACCOUNT — APPROPRIATION FROM
23 GENERAL FUND — FY 2013-2014. There is appropriated
24 from the general fund of the state to the department of
25 human services for the fiscal year beginning July 1,
26 2013, and ending June 30, 2014, the following amount
27 or so much thereof as is necessary for the purposes
28 designated:
29 For deposit in the healthy Iowa account created in
30 section 249N.11, as enacted in this division of this
31 Act, to be used for the purposes of the account:
32 \$ 23,000,000
33 Sec. 15. MEDICAL ASSISTANCE APPROPRIATION
34 — TRANSFER TO THE HEALTHY IOWA ACCOUNT — FY
35 2013-2014. Of the funds appropriated to the department
36 of human services from the general fund of the state
37 for the fiscal year beginning July 1, 2013, and ending
38 June 30, 2014, for the medical assistance program,
39 \$35,500,000 is transferred to the healthy Iowa account
40 created in section 249N.11, as enacted in this division
41 of this Act, for the purposes of the account.
42 Sec. 16. DIRECTIVE TO DEPARTMENT OF HUMAN
43 SERVICES. Upon enactment of this division of this
44 Act, the department of human services shall request
45 federal approval of a medical assistance section 1115
46 demonstration waiver to implement this division of this
47 Act effective January 1, 2014.
48 Sec. 17. EFFECTIVE UPON ENACTMENT AND CONTINGENT
49 IMPLEMENTATION.
50 1. This division of this Act, being deemed of

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1 immediate importance, takes effect upon enactment.
2 However, the department of human services shall
3 implement this division of this Act effective January
4 1, 2014, contingent and only upon receipt of federal
5 approval of the waiver request submitted under this
6 division of this Act.
7 2. Notwithstanding subsection 1, if any portion
8 of the waiver is denied or if federal approval or
9 financial participation relative to any portion of the
10 waiver is denied, the department shall only implement
11 this division of this Act in accordance with both of
12 the following:
13 a. To the extent that federal approval is received
14 and federal financial participation is available.
15 b. To the extent federal approval is not required
16 and federal participation is not applicable.
17 3. The distributions of taxes levied pursuant
18 to section 331.424A and distributed by each county
19 treasurer to the treasurer of state pursuant to
20 section 249N.10 and the distribution of taxes levied
21 pursuant to section 347.7 and distributed by the county
22 treasurer of a county with a population over three
23 hundred fifty thousand in which a publicly owned acute
24 care teaching hospital is located to the treasurer
25 of state pursuant to section 249N.10, shall not be
26 distributed until the department of human services
27 has received federal approval of the waiver request
28 submitted under this division of this Act.

29 DIVISION II

30 MEDICAL MALPRACTICE ACTIONS

31 Sec. 18. Section 147.139, Code 2013, is amended to
32 read as follows:

33 **147.139 Expert witness testimony — standards.**

34 1. If the standard of care given by a physician
35 and surgeon or an osteopathic physician and surgeon
36 licensed pursuant to chapter 148, or a dentist licensed
37 pursuant to chapter 153, is at issue, the court shall
38 only allow a person to qualify as an expert witness and
39 to testify on the issue of the appropriate standard of
40 care if ~~the person's medical or dental qualifications~~
41 ~~relate directly to the medical problem or problems at~~
42 ~~issue and the type of treatment administered in the~~
43 ~~case, breach of the standard of care, or proximate~~
44 ~~cause of any damages or injury as a result of said~~
45 ~~breach if all of the following qualifications of the~~
46 ~~person are established:~~

47 a. The person is licensed to practice medicine,
48 osteopathic medicine, or dentistry and in the five
49 years preceding the allegedly negligent act, was
50 engaged in the active practice of medicine, osteopathic

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1 medicine, or dentistry, or was a qualified instructor
2 at an accredited university of medicine and surgery,
3 osteopathic medicine and surgery, or dentistry.
4 b. The person practices or provides university
5 instruction in the same or substantially similar
6 specialty as the defendant.
7 c. If the defendant is board-certified in a
8 specialty, the person is also certified in that
9 specialty by a board recognized by the American board
10 of medical specialties or the American osteopathic
11 association and is licensed and in good standing in
12 each state of licensure, and has not had the person's
13 license revoked or suspended in the past five years.
14 2. A person who is not licensed in this state who
15 testifies pursuant to this section as an expert against
16 a defendant, whether in contract or tort arising out
17 of the provision of or failure to provide care, shall
18 be deemed to hold a temporary license to practice in
19 this state for the purpose of providing such testimony
20 and shall be subject to the authority of the applicable
21 licensing board in this state including but not limited
22 to section 147.55.
23 **Sec. 19. NEW SECTION. 147.140 Malpractice review**
24 **panels.**
25 **1. For the purpose of this section, "health care**
26 **provider" means a physician and surgeon, osteopathic**
27 **physician and surgeon, dentist, podiatric physician,**
28 **optometrist, pharmacist, chiropractor, physician**
29 **assistant, advanced registered nurse practitioner, or**
30 **nurse licensed pursuant to this chapter, a facility**
31 **certified as an ambulatory surgical center under the**
32 **federal Medicare program, a hospital licensed pursuant**
33 **to chapter 135B, or a health care facility licensed**
34 **pursuant to chapter 135C.**
35 **2. a. Immediately after the filing of any action**
36 **for personal injury or wrongful death against any**
37 **health care provider based upon the alleged negligence**
38 **of the licensee in the practice of that profession**
39 **or occupation, or upon the alleged negligence of a**
40 **facility certified as an ambulatory surgical center**
41 **under the federal Medicare program, hospital, or**
42 **health care facility in patient care and the answer**
43 **thereto by all named defendants, the chief judge of**
44 **the judicial district within which the action is filed**
45 **shall select a person pursuant to subsection 4 to serve**
46 **as chairperson of a malpractice review panel to review**
47 **the validity of the action.**
48 **b. Upon the selection of the chairperson, all legal**
49 **proceedings in the malpractice action shall be stayed**
50 **until thirty days after the malpractice review panel**

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1 issues its findings under subsection 13.
2 3. a. The chairperson selected pursuant to
3 subsection 2 shall serve as a nonvoting member of the
4 malpractice review panel.
5 b. The chairperson shall select the members of the
6 malpractice review panel pursuant to subsection 6.
7 4. a. All of the following persons shall be
8 eligible to serve on a review panel:
9 (1) Retired judges, and senior judges and retired
10 senior judges as defined in section 602.9202.
11 (2) Health care providers and attorneys recommended
12 by their respective professions to serve on malpractice
13 review panels pursuant to this section. As a condition
14 of licensure as a health care provider or as an
15 attorney in this state, a health care provider or
16 attorney selected to serve on a malpractice review
17 panel shall be required to serve if so selected.
18 (3) Residents of this state who are neither
19 attorneys nor health care providers.
20 b. For purposes of selecting members of a
21 malpractice review panel, the clerk of the supreme
22 court shall maintain a list of persons identified in
23 paragraph "a", subparagraphs (1) and (2). Persons
24 identified in paragraph "a", subparagraph (3), shall be
25 selected from a current jury pool.
26 5. a. The chairperson of the malpractice review
27 panel shall be compensated. If the chairperson is
28 receiving compensation for the chairperson's service
29 on the review panel pursuant to section 602.1612, the
30 chairperson shall not receive additional compensation
31 for serving on the review panel.
32 b. A resident of this state who is neither an
33 attorney nor a health care provider who is selected as
34 a member of a review panel shall receive fifty dollars
35 per day for participating in hearings and deliberations
36 relating to service on the review panel.
37 c. All members of a review panel shall be
38 reimbursed for travel expenses.
39 6. a. Within ten days of receipt of the
40 notification of selection as chairperson of the
41 malpractice review panel, the chairperson shall select
42 the following persons to serve as members of the
43 malpractice review panel for the particular malpractice
44 action as follows:
45 (1) An attorney licensed to practice law in this
46 state.
47 (2) A health care provider licensed in this state.
48 (3) A resident of this state who is neither an
49 attorney nor a health care provider.
50 b. A person who is not referred to in paragraph "a"

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1 may be selected to serve on the review panel if agreed
2 to by all parties to the malpractice action.
3 7. a. Within thirty days of convening the
4 malpractice review panel, a party to the proceedings
5 shall produce to all other parties all medical and
6 health care provider records within the possession
7 or control of the party pertaining to the plaintiff
8 regardless of whether the party believes such records
9 are relevant to the proceedings.
10 b. The chairperson may permit reasonable discovery,
11 and if so allowed, shall determine a timetable for any
12 additional discovery prior to the hearing before the
13 malpractice review panel. Depositions of persons other
14 than the parties and experts designated by the parties
15 shall not be taken except for good cause shown by the
16 party requesting the deposition.
17 c. The chairperson shall have the power to issue
18 subpoenas for both discovery and compulsion of
19 testimony in the same manner and method as the district
20 court.
21 d. The chairperson shall also determine a date by
22 which the plaintiff must submit a certificate-of-merit
23 affidavit as provided in subsection 8 for each
24 defendant the plaintiff intends to call as a witness to
25 testify with respect to the issues of the applicable
26 standard of care, breach of the applicable standard of
27 care, or causation.
28 8. a. A plaintiff shall submit a separate
29 certificate-of-merit affidavit for each defendant named
30 in the malpractice action. The affidavit submitted
31 for each defendant must be signed by an expert. The
32 affidavit must certify under the oath of the expert all
33 of the following:
34 (1) The expert's statement of familiarity with the
35 applicable standard of care.
36 (2) The expert's statement that the standard of
37 care was breached by the health care provider named as
38 the defendant.
39 (3) The expert's statement of the actions that the
40 health care provider failed to take or should have
41 taken to comply with the standard of care.
42 (4) The expert's statement of the manner by which
43 the breach of the standard of care was the cause of the
44 injury alleged in the petition.
45 b. A single expert need not certify all of the
46 elements in paragraph "a" in regard to one particular
47 defendant, however, each of the elements must be
48 certified by an expert in regard to each defendant.
49 c. If a plaintiff fails to submit a
50 certificate-of-merit affidavit within the time

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1 period determined by the chairperson, the chairperson
2 shall file a motion with the district court to dismiss
3 the plaintiff's malpractice action with regard to the
4 defendant for which the certificate-of-merit affidavit
5 was not submitted. The district court shall then
6 dismiss with prejudice the plaintiff's malpractice
7 action against the defendant.
8 9. a. Within six months from the date all members
9 of the malpractice review panel were appointed, unless
10 the time period has been extended by the chairperson
11 for good cause shown by a requesting party, the
12 chairperson of the review panel shall hold a hearing of
13 the full review panel to review the plaintiff's claims
14 and the defendant's defenses. In no event shall any
15 extension cause the hearing to occur more than one year
16 after all review panel members were appointed.
17 b. Except as otherwise provided in this subsection,
18 one combined hearing or hearings shall be held for
19 all claims under this section arising out of the
20 same malpractice action. If the malpractice action
21 includes more than one defendant, the parties may,
22 upon agreement of all parties, require that separate
23 hearings be held for each defendant or group of
24 defendants. The chairperson may, for good cause shown,
25 order separate hearings.
26 10. At the hearing before the malpractice review
27 panel, all parties who are natural persons shall be
28 personally present and all entity parties shall have
29 a representative present with responsibility for the
30 subject matter that is the subject of the malpractice
31 action. If a plaintiff fails to appear at the hearing,
32 the chairperson shall file a motion with the district
33 court to dismiss the plaintiff's action with prejudice,
34 and the court shall grant the motion. If the defendant
35 fails to appear at the hearing, the defendant shall
36 be precluded from presenting any evidence or making
37 any presentation before the malpractice review panel
38 or at any subsequent trial. The absence of a party
39 or an entity's representative may be excused by the
40 chairperson for good cause shown.
41 11. At the hearing before the malpractice review
42 panel, the plaintiff shall present the plaintiff's
43 case to the review panel and each defendant shall
44 present the defendant's case in response to the
45 plaintiff's presentation. Wide latitude shall be
46 afforded the parties in the conduct of the hearing
47 including but not limited to the right of examination
48 and cross-examination of witnesses by attorneys for
49 the parties. Depositions allowed to be taken under
50 subsection 7 shall be admissible regardless of whether

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1 the person deposed is available at the hearing. The
2 Iowa rules of civil procedure shall not apply at
3 the hearing, and evidence may be admitted if such
4 evidence is evidence upon which reasonable persons are
5 accustomed to rely. The chairperson shall make all
6 procedural rulings and such rulings shall be binding
7 and final. The hearing shall be recorded either
8 electronically or by a court reporter. The cost of
9 recording the hearing shall be equally divided among
10 the parties. The record of the proceedings and all
11 documents presented as exhibits shall be confidential
12 except in the following circumstances:
13 a. Any testimony or writings made under oath may
14 be used in subsequent proceedings for purposes of
15 impeachment.
16 b. The party who made a statement or presented
17 evidence agrees to the submission, use, or disclosure
18 of the statement or evidence.
19 c. The parties unanimously agree upon disclosure of
20 any part of the record or proceedings.
21 12. Upon the conclusion of the hearing, the
22 malpractice review panel may request from any party
23 additional evidence, records, or other information to
24 be submitted in writing or at a continuation of the
25 hearing. A continued hearing shall be held as soon as
26 possible. A continued hearing shall be attended by
27 the same review panel members and parties who attended
28 the initial hearing, unless otherwise agreed to by all
29 parties.
30 13. The malpractice review panel shall issue its
31 findings in writing within thirty days of submission of
32 all presentations and evidence.
33 a. The review panel's findings shall contain
34 answers to all of the following questions:
35 (1) Whether the acts or omissions complained of
36 constitute a deviation from the applicable standard
37 of care by the health care provider charged with such
38 care.
39 (2) If the acts or omissions complained of are
40 found to have constituted a deviation from the
41 applicable standard of care, whether the acts or
42 omissions complained of proximately caused the injury
43 complained of.
44 (3) If negligence on the part of a health care
45 provider is found, whether any negligence on the part
46 of the plaintiff was equal to or greater than the
47 negligence of the health care provider.
48 b. The review panel shall make any affirmative
49 finding by a preponderance of the evidence.
50 c. With regard to each question, the review

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1 panel's findings with regard to each question shall be
2 determined by a majority of the panel members. The
3 determination of the answer to any question by any
4 individual review panel member shall be confidential
5 and shall not be disclosed to any party or other member
6 of the public. The findings shall reflect the number
7 of review panel members making a determination of an
8 answer in the affirmative and in making a determination
9 of an answer in the negative. The findings, including
10 the cumulative determinations in the affirmative and
11 the negative for each answer, shall be signed by all
12 review panel members, with each review panel member
13 attesting that the written findings accurately reflect
14 the determinations made.

15 d. The chairperson of the review panel shall serve
16 the findings upon the parties within seven days of
17 the date of the findings. The review panel's written
18 findings shall be preserved until thirty days after
19 final judgment or the action is finally resolved after
20 which time such findings shall be destroyed. All
21 medical and health care provider records shall be
22 returned to the party providing them to the review
23 panel.

24 e. The deliberations and discussion of the review
25 panel shall be privileged and confidential and a review
26 panel member shall not be asked or compelled to testify
27 at a later proceeding concerning the deliberations,
28 discussions, or findings expressed during the review
29 panel's deliberations, except as such deliberation,
30 discussion, or findings may be required to prove an
31 allegation of intentional fraud. All review panel
32 members and the chairperson shall be immune from
33 liability as a result of participation in or serving
34 as a review panel member, except for instances of
35 intentional fraud by a panel member.

36 14. The effect of the malpractice review panel's
37 findings shall be as follows:

38 a. If the review panel's findings are unanimous and
39 unfavorable to the plaintiff in such a manner as would
40 not permit recovery by the plaintiff if the answers
41 were made at trial, all of the following shall apply:

42 (1) The review panel's findings are admissible
43 in any subsequent court action for professional
44 negligence against the health care provider accused of
45 professional negligence by the claimant based upon the
46 same set of facts which were considered reviewed by the
47 review panel.

48 (2) If the malpractice action proceeds and results
49 in a verdict and judgment for the defendant, the
50 plaintiff shall be required to pay all expert witness

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1 fees and court costs incurred by the defendant.
2 (3) If the malpractice action proceeds and results
3 in a verdict and judgment for the plaintiff, any
4 noneconomic damages awarded to the plaintiff shall not
5 exceed two hundred fifty thousand dollars.
6 b. If the review panel's findings are unanimous and
7 unfavorable to the defendant, in such a manner as would
8 permit the plaintiff to recover if the defendant's
9 answers were made at trial, all of the following shall
10 apply:
11 (1) The review panel's findings are admissible
12 in any subsequent court action for professional
13 negligence against the health care provider accused of
14 professional negligence by the claimant based upon the
15 same set of facts which were considered reviewed by the
16 review panel.
17 (2) The defendant shall promptly admit liability or
18 enter into negotiations to pay the plaintiff's claim
19 for damages.
20 (3) If liability is admitted, the claim may be
21 resubmitted to the review panel upon agreement of the
22 plaintiff and the defendant for a determination of
23 damages. Any determination of damages by the review
24 panel shall be admissible in any subsequent malpractice
25 action.
26 (4) If liability is not admitted and the parties
27 are not able to resolve the claim through settlement
28 negotiations within thirty days after service of the
29 review panel's findings, the plaintiff may proceed with
30 the malpractice action. If the plaintiff obtains a
31 verdict or judgment in excess of the plaintiff's last
32 formal demand in the settlement negotiations following
33 the review panel's findings, the defendant shall be
34 required to pay all expert witness fees and court costs
35 incurred by the plaintiff.
36 15. a. Upon the selection of all members of the
37 malpractice review panel, each party shall pay to the
38 clerk of the district court a filing fee of two hundred
39 fifty dollars.
40 b. Any party may apply to the chairperson of the
41 malpractice review panel for a waiver of the filing
42 fee. The chairperson shall grant the waiver if the
43 party is indigent.
44 c. Any party who is or was an employee of another
45 party at the time of the claimed injury and was acting
46 in the course and scope of employment with such other
47 party shall not be required to pay a filing fee.
48 Sec. 20. **NEW SECTION. 622.31A Evidence-based**
49 **medical practice guidelines — affirmative defense.**
50 1. For purposes of this section:

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1 *a. "Evidence-based medical practice guidelines"*
2 means voluntary medical practice parameters or
3 protocols established and released through a recognized
4 physician consensus-building organization approved
5 by the United States department of health and human
6 services, through the American medical association's
7 physician consortium for performance improvement or
8 similar activity, or through a recognized national
9 medical specialty society.
10 *b. "Health care provider"* means a physician and
11 surgeon, osteopathic physician and surgeon, physician
12 assistant, or advanced registered nurse practitioner.
13 2. In any action for personal injury or wrongful
14 death against any health care provider based upon the
15 alleged negligence of the health care provider in
16 patient care, the health care provider may assert,
17 as an affirmative defense, that the health care
18 provider complied with evidence-based medical practice
19 guidelines in the diagnosis and treatment of a patient.
20 3. A judge may admit evidence-based medical
21 practice guidelines into evidence if introduced only by
22 a health care provider or by the health care provider's
23 employer and if the health care provider or the health
24 care provider's employer establishes foundational
25 evidence in support of the evidence-based medical
26 practice guidelines as well as evidence that the health
27 care provider complied with the guidelines. Evidence
28 of departure from an evidence-based medical practice
29 guideline is admissible only on the issue of whether
30 the health care provider is entitled to assert an
31 affirmative defense.
32 4. This section shall not apply to any of the
33 following:
34 *a.* A mistaken determination by the health care
35 provider that the evidence-based medical practice
36 guideline applied to a particular patient where
37 such mistake is caused by the health care provider's
38 negligence or intentional misconduct.
39 *b.* The health care provider's failure to properly
40 follow the evidence-based medical practice guideline
41 where such failure is caused by the health care
42 provider's negligence or intentional misconduct. There
43 shall be no presumption of negligence if a health care
44 provider does not adhere to an evidence-based medical
45 practice guideline.
46 2. Title page, by striking lines 1 through 5
47 and inserting <An Act relating to health care by
48 establishing the healthy Iowa plan, affecting medical
49 malpractice actions, making appropriations, providing
50 remedies, and including effective date provisions.>

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House File 527

S-3211

1 Amend the amendment, S-3126, to House File 527, as
2 passed by the House, as follows:
3 1. Page 1, after line 20 by inserting:
4 <____. Title page, by striking lines 1 through 3
5 and inserting <An Act requiring certain aggravated
6 misdemeanants to submit a DNA sample and including
7 effective>>

ROBERT M. HOGG



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House File 527

S-3212

- 1 Amend the amendment, S-3126, to House File 527, as
- 2 passed by the House, as follows:
- 3 1. Page 1, after line 9 by inserting:
- 4 <0a. A violation of section 48A.14.>
- 5 2. By renumbering as necessary.

MARK CHELGREN



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House File 527

S-3213

- 1 Amend House File 527, as passed by the House, as
2 follows:
3 1. Page 1, after line 13 by inserting:
4 <Sec. _____. Section 81.2, Code 2013, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 7. An unauthorized alien stopped
7 by a law enforcement agency shall be required to submit
8 a DNA sample for DNA profiling pursuant to section
9 81.4.>
10 2. Title page, by striking lines 1 through 3 and
11 inserting <An Act requiring certain persons to submit a
12 DNA sample and including effective>
13 3. By renumbering as necessary.

MARK CHELGREN

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House File 527

S-3214

1 Amend the amendment, S-3126, to House File 527, as
2 passed by the House, as follows:
3 1. Page 1, line 7, by striking <by a person
4 eighteen years of age or older>

MARK CHELGREN



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House File 527

S-3215

- 1 Amend House File 527, as passed by the House, as
2 follows:
3 1. Page 1, after line 13 by inserting:
4 <Sec. _____. Section 81.9, Code 2013, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 3A. The DNA record and
7 identifiable information of a person convicted of an
8 aggravated misdemeanor, which is stored and maintained
9 in the DNA database and DNA data bank, shall be
10 expunged upon the discharge of the person's sentence
11 for the offense requiring the submission of a DNA
12 sample.>
13 2. Title page, line 1, before <requiring> by
14 inserting <relating to DNA sampling and>
15 3. By renumbering as necessary.

MARK CHELGREN

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House File 471

S-3216

- 1 Amend House File 471, as passed by the House, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 598.41A, Code 2013, is amended
5 to read as follows:
6 **598.41A Visitation — history of crimes against a**
7 **minor.**
8 1. Notwithstanding section 598.41, the court shall
9 consider, in the award of visitation rights to a parent
10 of a child, the criminal history of the parent if the
11 parent has been convicted of a sex offense against a
12 minor as defined in section 692A.101.
13 2. Notwithstanding section 598.41, an individual
14 who is a parent of a minor child and who has been
15 convicted of a sex offense against a minor as defined
16 in section 692A.101, is not entitled to visitation
17 rights while incarcerated. While on probation, parole,
18 or any other type of conditional release including a
19 special sentence for such offense, visitation shall
20 be denied until the parent successfully completes a
21 treatment program approved by the court, if required
22 by the court. The circumstances described in this
23 subsection shall be considered a substantial change in
24 circumstances.>
25 2. Page 2, after line 1 by inserting:
26 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
27 provision or provisions of this Act, being deemed of
28 immediate importance, take effect upon enactment:
29 1. The section of this Act amending section
30 598.41A.
31 Sec. _____. RETROACTIVE APPLICABILITY. The following
32 provision or provisions of this Act apply retroactively
33 to an order or decree involving child custody or
34 visitation issued on or after July 1, 2000:
35 1. The section of this Act amending section
36 598.41A.>
37 3. Title page, line 1, after <to> by inserting
38 <parental rights, including>
39 4. Title page, line 3, after <petition> by
40 inserting <and the awarding of visitation when a
41 history of crimes against a minor is involved, and
42 including effective, retroactive, and applicability
43 date provisions>
44 5. By renumbering as necessary.

ROBERT M. HOGG

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BILL ANDERSON



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Senate File 453 - Introduced

SENATE FILE 453
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 278)

(COMPANION TO HF 632 BY
COMMITTEE ON WAYS AND MEANS)

A BILL FOR

1 An Act relating to the assessment of certain real estate used
2 in the cultivation and production of algae, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 427A.1, subsection 4, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. It is a photobioreactor used in the
4 production of algae for harvesting as a crop for animal feed,
5 food, nutritionals, or biofuel production.

6 Sec. 2. Section 441.21, subsection 12, Code 2013, is amended
7 to read as follows:

8 ~~12. Beginning with valuations established on or after~~
9 ~~January 1, 2002, as~~ As used in this section, unless the context
10 otherwise requires, "agricultural property" includes the all of
11 the following:

12 a. Beginning with valuations established on or after January
13 1, 2002, the real estate of a vineyard and buildings used in
14 connection with the vineyard, including any building used for
15 processing wine if such building is located on the same parcel
16 as the vineyard.

17 b. Beginning with valuations established on or after January
18 1, 2013, real estate used directly in the cultivation and
19 production of algae for harvesting as a crop for animal feed,
20 food, nutritionals, or biofuel production. The real estate
21 must be an enclosed pond or land containing a photobioreactor.

22 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to January 1, 2013, for assessment
24 years beginning on or after that date.

25 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

28 EXPLANATION

29 This bill provides that, for purposes of property taxation,
30 agricultural property includes the real estate which is
31 used directly in the cultivation and production of algae for
32 harvesting as a crop for animal feed, food, nutritionals, or
33 biofuel production. The real estate must be an enclosed pond
34 or must be land containing machinery or equipment that uses
35 a light source to provide photonic energy, referred to as a

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1 photobioreactor.

2 The bill takes effect upon enactment and applies
3 retroactively to assessment years beginning on or after January
4 1, 2013.